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Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(1) HISTORICAL AND GENERAL/(i) Transfer to the Post Office of Functions and Monopolies of the former Postmaster General and Separation of the Telecommunications Business/1. Distribution of the functions of the Postmaster General.

POST

1. CONSTITUTION AND FUNCTIONS

(1) HISTORICAL AND GENERAL

(i) Transfer to the Post Office of Functions and Monopolies of the former Postmaster General and Separation of the Telecommunications Business

1. Distribution of the functions of the Postmaster General.

The Post Office is a public authority established by the Post Office Act 1969¹. Its main functions are to provide postal services and facilities at post offices for the provision of banking services and of service for public telecommunications operators, for Her Majesty's government, local authorities, national health service authorities and for a range of public utilities, which before 1 October 1969, were provided by the Postmaster General². On 1 October 1969³ the Post Office assumed the functions of the Postmaster General of providing postal and telecommunication services, giro banking services, postal remittance services and data processing services⁴. The Post Office Act 1969 provided for the appointment of a Minister of Posts and Telecommunications with functions affording governmental control over the Post Office⁵. On 17 April 1974 the Ministry of Posts and Telecommunications was dissolved and all the minister's functions were transferred to the Secretary of State⁶. Before 1 August 1981 the Post Office was required to take steps to separate from the remainder of its undertaking the part of it concerned with the provision of telecommunication and data processing services, and on that day all the property, rights and liabilities of the Post Office which immediately before that day were comprised in that part of its undertaking were transferred to and vested in British Telecommunications⁷. The British Telecommunications Act 1981 amended the powers and duties of the Post Office and redefined its exclusive privilege of conveying letters⁸.

1 See the Post Office Act 1969 s 6 (as amended); and PARA 12 post. As to the constitution of the Post Office and its powers and duties see PARA 12 et seq post.

2 Post Office Act 1953 s 1 (repealed).

3 Ie the appointed day for the purposes of the Post Office Act 1969: see s 1(1) (repealed); Post Office Act 1969 (Appointed Day) Order 1969, SI 1969/1066.

4 See the Post Office Act 1969 ss 6(1) (as amended), 7 (as amended), 9 (repealed). As to the transfer to the Secretary of State of the Postmaster General's functions with respect to wireless telegraphy see ss 2, 4 (both as amended).

5 Ibid s 2 (as originally enacted).

6 See ibid s 2(6) (amended by the Telecommunications Act 1981 s 89, Sch 6 Pt I; and the Ministry of Posts and Telecommunications (Dissolution) Order 1974, SI 1974/691, arts 2, 3(3)); and the Ministry of Posts and

Telecommunications (Dissolution) Order 1974, SI 1974/691, art 2. These functions were originally exercised by the Secretary of State for Industry and were transferred to the Secretary of State for Trade and Industry by the Transfer of Functions (Trade and Industry) Order 1983, SI 1983/1127, art 2. In any enactment, 'Secretary of State' means one of Her Majesty's principal secretaries of state: see the Interpretation Act 1978 s 5, Sch 1. As to the office of Secretary of State see CONSTITUTIONAL LAW AND HUMAN RIGHTS vol 8(2) (Reissue) PARA 355.

7 See the British Telecommunications Act 1981 s 10(1), (2); and TELECOMMUNICATIONS vol 97 (2010) PARA 57.

8 As to the exclusive privilege of conveying letters see *ibid* ss 66-69; and PARA 78 et seq post.

UPDATE

1 Distribution of the functions of the Postmaster General

TEXT AND NOTES--The Postal Services Act 2000 provides for the Post Office to be converted from a statutory corporation to a public limited company owned by the Crown (see s 62; and PARA 3).

NOTE 1--Post Office Act 1969 s 6 repealed: 2000 Act Sch 9.

NOTE 2--The Secretary of State may by order vest in Consignia plc (ie the company nominated for the purposes of the 2000 Act s 62 by the Post Office Company (Nomination and Appointed Day) Order 2001, SI 2001/8, art 3) (see PARA 3) such records of the Postmaster General as belong to Her Majesty in right of Her Majesty's government in the United Kingdom, and are specified in or described by the order: 2000 Act s 117(1). The Secretary of State may give such directions to Consignia plc as he considers appropriate for ensuring that any records so transferred are available to the Crown for inspection and copying: s 117(2).

NOTE 7--As to the liability to employees see *British Telecommunications plc v Royal Mail Group Ltd*[2010] EWHC 8 (QB), [2010] All ER (D) 10 (Jan).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(1) HISTORICAL AND GENERAL/(i) Transfer to the Post Office of Functions and Monopolies of the former Postmaster General and Separation of the Telecommunications Business/2. Origin of the postal monopoly.

2. Origin of the postal monopoly.

The postal services originated in the provision by the Crown of messengers for the carriage of letters between London and a few of the principal provincial towns. Subsequently a monopoly of the right to carry mails was claimed. The first statutory grant of a monopoly was made by an ordinance of the Protectorate, replaced by an Act passed soon after the Restoration and regranted to the Postmaster General in substantially the same form by successive statutes, and ultimately by the Post Office Act 1953¹. The Post Office Act 1969 transferred to the Post Office the monopoly of the Postmaster General of conveying letters and performing incidental services². The monopoly conferred on the Post Office was amended by the British Telecommunications Act 1981³.

1 See the Post Office Act 1953 ss 3, 4 (both repealed).

2 See the Post Office Act 1969 s 23 (repealed).

3 See the British Telecommunications Act 1981 ss 66-69; and PARA 78 et seq post.

UPDATE

2 Origin of the postal monopoly

TEXT AND NOTES--The Postal Services Act 2000 introduces a new system of licensing and regulation for postal service operators and providers operating in the area of the market currently reserved largely as a monopoly for the Post Office: see Pt II (ss 6-41); and PARAS 78-82.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(1) HISTORICAL AND GENERAL/(ii) Transfer to the Post Office of Property, Rights and Liabilities of the Postmaster General/3. Transfer of property, rights and liabilities of the Postmaster General to the Post Office.

(ii) Transfer to the Post Office of Property, Rights and Liabilities of the Postmaster General

3. Transfer of property, rights and liabilities of the Postmaster General to the Post Office.

On 1 October 1969¹, subject to certain exceptions², the rights and liabilities under the Wireless Telegraphy Acts³ and the Post Office Act 1953 enjoyed by and incumbent on the Postmaster General became those of the Post Office⁴.

1 ie the appointed day for the purposes of the Post Office Act 1969: see s 1(1) (repealed); Post Office Act 1969 (Appointed Day) Order 1969, SI 1969/1066.

2 See the Post Office Act 1969 s 16(2)(a)-(j). As to the vesting in the Post Office of rights and liabilities under certain contracts conferring on the Crown incidental rights as to patents etc see s 18.

3 ie the Wireless Telegraphy Act 1949 and the Wireless Telegraphy Act 1967.

4 Post Office Act 1969 s 16(1)(a)-(g). Detailed provisions relating to the transfer are set out in s 138(1), (2), Schs 9, 10.

UPDATE

3 Transfer of property, rights and liabilities of the [Post Office to Royal Mail Holdings plc]

TEXT AND NOTES--On 26 March 2001, all the property, rights and liabilities to which the Post Office was entitled or subject immediately before that day became the property, rights and liabilities of Royal Mail Holdings plc: Postal Services Act 2000 s 62(1); SI 2001/8.

As to the Post Office's duty to ensure the lawful vesting of its foreign property, rights and liabilities in Royal Mail Holdings plc see the 2000 Act Sch 3 para 9. The Post Office continued in existence until its dissolution on 1 May 2007: s 75; SI 2007/1180.

The owner for the time being of the collection of postcodes in the United Kingdom which may be used to facilitate the identification of delivery points for the purpose of

providing postal services ('the Postcode Address File') which, immediately before 25 March 2001, was owned by the Post Office, or that collection as it is from time to time revised, must maintain the File, and make the File available to any person who wishes to use it on such terms, including terms as to the payment of an appropriate fee, as are reasonable: 2000 Act s 116(1), (3), (4). This duty is enforceable by civil proceedings brought by the Postal Services Commission (see PARA 10) for an injunction or for any other appropriate relief or remedy: s 116(2).

For the purposes of (1) the Companies Act 2006 ss 162(6), 305; and (2) the Companies Act 2006 Pt 10 Ch 3 (ss 182-187), ss 190-196, and 197-214 neither the Treasury nor the Secretary of State is regarded as being a shadow director of Royal Mail Holdings plc: 2000 Act s 80 (amended by SI 2007/2194, SI 2008/948, SI 2009/1941).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(1) HISTORICAL AND GENERAL/(ii) Transfer to the Post Office of Property, Rights and Liabilities of the Postmaster General/4. Transitional provisions.

4. Transitional provisions.

Provisions¹ were made for the modification of agreements and documents so far as necessary in consequence of the provisions vesting property, rights and liabilities in the Post Office² and certain other provisions³.

1 For details of these provisions, which had effect on 1 October 1969 (ie the appointed day for the purposes of the Post Office Act 1969: see s 1(1) (repealed); and the Post Office Act 1969 (Appointed Day) Order 1969, SI 1969/1066) see the Post Office Act 1969 s 138(1) Sch 9 para 2(1).

2 See PARA 3 ante.

3 See eg the Post Office Act 1969 ss 20 (as amended), 21, 23 (both repealed), which vested in the Post Office statutory rights and liabilities of the Postmaster General under the enactments referred to therein. For the general transitional provisions relating to the transfer see s 138(1), Sch 9 (as amended). For the special transitional provisions with respect for inventions and registered designs see Sch 10 (as amended).

UPDATE

4 Transitional provisions

TEXT AND NOTES--For the general transitional provisions relating to the transfer of the property, rights and liabilities of the Post Office to Royal Mail Holdings plc see the Postal Services Act 2000 s 62(6), Sch 3 (amended by Constitutional Reform Act 2005 Sch 4 para 292); and for the taxation provisions in relation to such transfer see 2000 Act s 81, Sch 4.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(1) HISTORICAL AND GENERAL/(iii) The Legislation/5. The principal legislation.

(iii) The Legislation

5. The principal legislation.

The principal Act relating to the Post Office is the Post Office Act 1969¹. The Post Office Act 1969 was significantly amended by the British Telecommunications Act 1981 which established a public corporation, British Telecommunications², transferred to it certain property, rights and liabilities of the Post Office³ and made further provisions with respect to the Post Office⁴. The more important provisions of the British Telecommunications Act 1981 concerning the Post Office are those relating to the duty of the Post Office to provide services for the conveyance of letters⁵, the power to make schemes for the redistribution of property, rights and liabilities among wholly-owned subsidiaries⁶, the powers of the Secretary of State over the Post Office⁷, the exclusive privilege of the Post Office with respect to the conveyance of letters⁸, and the general duty of the Post Office as to finance⁹ and pensions¹⁰.

The Post Office Act 1969 repealed much of the Post Office Act 1953¹¹. The more important provisions of the Post Office Act 1953 which remain in force¹², are those relating to the prohibition on the sending by post of certain articles and postal packets¹³, the power to detain, return or destroy or dispose of postal packets posted in contravention of the Act or of the provisions of a statutory scheme¹⁴, the application of the enactments relating to Customs and Excise¹⁵, and general offences against the Post Office¹⁶.

1 As to the territorial extent of the Post Office Act 1969 and other principal legislation see PARA 8 post.

2 See the British Telecommunications Act 1981 s 1 (repealed); and TELECOMMUNICATIONS vol 97 (2010) PARA 58.

3 See *ibid* s 10; and TELECOMMUNICATIONS vol 97 (2010) PARA 57.

4 See *ibid* Pt II (ss 59-78) (as amended).

5 See *ibid* s 59 (as amended); and PARA 24 post.

6 See *ibid* ss 60, 61; and PARA 19 post.

7 See *ibid* s 63 (as amended); and PARA 34 post. As to the Secretary of State see PARA 1 note 6 ante.

8 See *ibid* ss 66-69 (s 67 as amended); and PARA 78 post.

9 Ie the reserves of the Post Office and its wholly-owned subsidiaries, the borrowing power for the Post Office and its wholly-owned subsidiaries, the limitation of indebtedness, the Post Office accounts and audit of them: see *ibid* ss 71-75 (s 75 as amended); and PARA 52 et seq post.

10 See *ibid* s 76 (as amended); and PARA 39 post.

11 See *ibid* s 141, Sch 11.

12 Ie remain in force subject to the modifications contained in *ibid* s 76, Sch 4 para 2 (as amended).

13 See the Post Office Act 1953 s 11 (as amended); and PARA 88 post.

14 See *ibid* s 8(3) (as amended); and PARA 89 post.

15 See *ibid* ss 16, 17 (both as amended); and PARAS 164 et seq post.

16 See *ibid* ss 53-68 (as amended); and PARA 173 et seq post.

UPDATE

5 The principal legislation

TEXT AND NOTES--1953 and 1981 Acts replaced and 1969 Act replaced in part by Postal Services Act 2000.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(1) HISTORICAL AND GENERAL/(iii) The Legislation/6. The Postal Services Directive.

6. The Postal Services Directive.

The Postal Services Directive¹ which came into force on 10 February 1998 seeks to harmonise the universal service obligations² to be imposed by Member States on their postal administrations and to stipulate a maximum size for the reserved area in Member States³.

The key features of the Postal Services Directive are that:

- (1) Member States must ensure that users enjoy the right to a universal service involving the permanent provision of both a domestic and international postal service of specified quality at all points in their territory at affordable prices for all users⁴;
- (2) in order to ensure provision of the universal service, Member States may confer upon their postal operators a monopoly which must not exceed letters delivered for a price more than five times the public tariff for a first weight first class step letter or 350 grams⁵;
- (3) the tariffs for postal services comprising part of the universal service must be affordable, geared to costs, transparent and non-discriminatory⁶;
- (4) within two years of coming into force Member States must ensure that their postal operators keep separate accounts within their internal accounting systems between the reserved area and the non-reserved area, distinguishing between services which are part of the universal service and which are not⁷;
- (5) the financial accounts of all postal operators must be independently audited⁸;
- (6) in relation to the universal services, Member States must ensure that quality of service standards are set, published and independently monitored and the results published⁹;
- (7) transparent, simple and inexpensive procedures must be instituted for dealing with users' complaints, particularly in cases involving loss, theft, damage or non-compliance with quality of service standards¹⁰;
- (8) each Member State must designate one or more regulatory authorities for the postal sector that are legally separate from and operationally independent of the postal operator¹¹.

It is the duty of the Secretary of State to exercise his powers in relation to the Post Office under the Post Office Act 1969 and the British Telecommunications Act 1981, and the Postal Services Commission to perform its function so as to ensure compliance with the obligations arising from the Postal Services Directive¹².

¹ ie the EC Directive on common rules for the development of the internal market of Community postal services and the improvement of quality of service 97/67 (OJ L15, 21.1.98, p 14). See also the Notice from the Commission on the application of the competition rules for the development of the internal market of Community postal services and the improvement of quality of service (OJ [1998] C 39/2).

2 ie the basic postal service which the Post Office would be expected to provide under the British Telecommunications Act 1981 s 59 (as amended): see PARA 24 post.

3 The Postal Services Directive (EC Directive 97/67/EC (OJ L15, 21.1.98, p 14) establishes common rules concerning: (1) the provision of a universal postal service within the Community (see arts 3-6); (2) the criteria defining the services which may be reserved for universal service providers and the conditions governing the provision of non-reserved services (see arts 9-11); (3) tariff principles and transparency of accounts for universal service provision (see arts 12-15); (4) the setting of quality standards for universal service provision and the setting-up of a system to ensure compliance with those standards (see arts 16-19); (5) the harmonisation of technical standards (see art 20); and (6) the creation of independent national regulatory authorities (see art 22): art 1. As to the implementation provisions of the Directive see arts 23-28.

4 See *ibid* art 3. As to the provision of the universal postal service see PARA 24 post.

5 See *ibid* arts 7, 8.

6 See *ibid* art 12.

7 See *ibid* art 14.

8 See *ibid* art 15.

9 See *ibid* art 16. As to the standards for international postal services within the European Union see art 18.

10 See *ibid* art 19.

11 See *ibid* art 22. The Secretary of State and the body known as the Postal Services Commission are designated as the national regulatory authorities for the postal sector in the United Kingdom: Postal Services Regulations 1999/2107, reg 2(1). As to the Secretary of State see PARA 1 note 6 ante. As to the Postal Services Commission see PARA 10 post. For the meaning of 'United Kingdom' see PARA 18 note 1 post.

12 *Ibid* reg 2(3); and see PARA 10 post.

UPDATE

6 The Postal Services Directive

NOTE 1--Directive 97/67 amended: European Parliament and EC Council Directive 2002/39 (OJ L176, 5.7.2002, p 21); European Parliament and EC Council Directive 2008/6 (OJ L52, 27.2.2008, p 3).

TEXT AND NOTE 12--Replaced. If the Secretary of State considers that a Community obligation under the Postal Services Directive is not being complied with, or that it is likely that any such obligation will not be complied with, and he has been unable to obtain any undertakings from any person or persons which are sufficient to satisfy him that the situation will be remedied, then he may, after consulting with any postal operator likely to be affected, by order make such provision as he considers appropriate to ensure that the obligation is or will be complied with: Postal Services Act 2000 s 102(1), (2), (4). For the meaning of 'postal operator' see PARA 10B. Such an order may, in particular (1) confer functions on the Postal Services Commission (see PARA 10) or the National Consumer Council (see PARA 43-51) or modify their functions; (2) require any postal operator or any postal operators of a particular description to provide such postal services as are specified in or determined by or under the order; (3) specify terms and conditions on which such services are to be provided or provide for such terms and conditions to be determined by or under the order; (4) provide for the payment of sums out of money provided by Parliament for any purpose of the order; and (5) provide for the enforcement of any provision of the order, including the creation of criminal offences punishable with a fine but not imprisonment: s 102(3). In deciding whether to make an order the Secretary of State must, in particular, have

regard to the likely impact of the order on any business of a postal operator on whom a requirement is to be imposed by virtue of the order: s 102(5).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(1) HISTORICAL AND GENERAL/(iii) The Legislation/7. Reform of the Post Office.

7. Reform of the Post Office.

The government has issued a White Paper detailing a programme for legislative reform of the Post Office¹. The following proposals represent the key changes set out in the programme.

Competition is to be extended by reducing the statutory monopoly from £1.00 to £0.50 or 150 grams². An independent postal regulator, to be known as the Postal Services Commission, is to be established³. One of the principal functions of the regulator will be to promote competition, including by way of further reduction of the monopoly area⁴. It will be free to consider all appropriate mechanisms for introducing competition, including the further development of licences⁵, and will also regulate prices within the monopoly area⁶.

Further, the regulator will oversee fair competition, ensuring that no undue cross-subsidy from monopoly to non-monopoly areas takes place, nor any abuse of dominant position⁷. It is to have powers concurrent with the Office of Fair Trading⁸ to apply UK competition rules in respect of the Post Office and other licensed postal operators⁹.

The regulator will also protect and promote consumer interests, taking responsibility for setting and enforcing service standards not only in relation to monopoly services, but also in relation to those services which are outside the monopoly but subject to a universal service obligation and uniform tariff obligation, namely standard parcels and a registered postal service¹⁰. Subject to primary legislation, the regulator is to be given powers to order that any universal service obligation deficiency is put right, and to fine the Post Office for breaching service standards within the universal service obligation area¹¹.

The role of the Post Office Users' National Council¹² is to be strengthened and clarified¹³. It will be responsible for all issues of consumer representation and the handling of complaints about Post Office services, and will monitor service performance against the standards set by the regulator¹⁴.

Under the proposals contained in the White Paper the Post Office will continue to provide a universal service at a uniform tariff, the regulator ensuring that this commitment is met¹⁵. Details of the universal service obligation and uniform tariff structure are to be set out in legislation for the first time¹⁶. The application of a uniform public tariff will not prevent the Post Office concluding individual agreements on prices with customers; for example, it will have greater freedom than under the current legislation to offer discounts to large users¹⁷.

As part of the restructuring of the Post Office's statutory framework, the definition of the areas of activity permitted¹⁸ to the Post Office is to be modernised¹⁹. Primary legislation will also provide for transforming the Post Office from a public corporation to a public limited company, the shares being held by the government²⁰. Key features of the new financial regime are: (1) the government will set a profit target for the whole of the Post Office business on the basis of the agreed Strategic Plan; (2) the Post Office will be expected to invest an equivalent of a commercial dividend each year; (3) the Post Office will be expected to finance from retained earnings the capital expenditure required to maintain and enhance its existing business; (4) the Post Office will be allowed to borrow up to £75 million a year without approval from the government, and (5) by 1 April 2002 the Post Office's balance sheet will be restructured²¹.

In its relationship with the Post Office, the government will have two separate roles: first, as the national authority setting the legal and regulatory framework and social and environmental objectives, and, second, as shareholder²². The Board of the Post Office will prepare and present to the government for agreement a rolling, five-year Strategic Plan, setting out its investment, acquisition and partnership intentions and financial forecasts²³. The Board will then be responsible for executing the strategy²⁴.

1 *Post Office Reform: A World Class Service for the Twenty-First Century* (Cm 4340) (8 July 1999).

2 Ibid Ch 3 para 9. Secondary legislation has been made enacting this proposal with effect from 1 April 2000: see the Postal Privilege (Suspension) Order 1999, SI 1999/1933; and 81 post.

3 *Post Office Reform: A World Class Service for the Twenty-First Century* (Cm 4340) (8 July 1999) Ch 3 paras 17, 35. As to the establishment of the Postal Services Commission see PARA 10 post.

4 Ibid Ch 3 para 10.

5 Ibid Ch 3 para 11. The licences referred to are those granted under the British Telecommunications Act 1981 s 68: see PARA 80 post.

6 *Post Office Reform: A World Class Service for the Twenty-First Century* (Cm 4340) (8 July 1999) Ch 3 para 21.

7 Ibid Ch 3 para 26.

8 As to the Office of Fair Trading see COMPETITION vol 18 (2009) PARA 6 et seq.

9 *Post Office Reform: A World Class Service for the Twenty-First Century* (Cm 4340) (8 July 1999) Ch 3 para 25.

10 Ibid Ch 3 paras 22, 28.

11 Ibid Ch 3 para 23.

12 As to the Post Office Users' National Council see PARA 43 et seq post.

13 *Post Office Reform: A World Class Service for the Twenty-First Century* (Cm 4340) (8 July 1999) Ch 3 para 40. The government intends to introduce legislation to effect reform of consumer representation as soon as Parliamentary time permits: Ch 3 para 56.

14 Ibid Ch 3 para 41.

15 Ibid Ch 3 para 28, Ch 4 para 1.

16 Ibid Ch 4 para 5. See also the British Telecommunications Act 1981 s 59 (as amended); and PARA 24 post.

17 *Post Office Reform: A World Class Service for the Twenty-First Century* (Cm 4340) (8 July 1999) Ch 4 paras 6, 8-10.

18 Is permitted by the Post Office Act 1969 s 7 (as amended): see PARA 18 post.

19 *Post Office Reform: A World Class Service for the Twenty-First Century* (Cm 4340) (8 July 1999) Ch 6 para 14.

20 Ibid Ch 6 para 16. The government proposes that such legislation will contain a commitment that if there is any proposal to sell or exchange shares, then there would need to be further approval of such a proposal by both Houses of Parliament: Ch 6 para 22.

21 Ibid Ch 6 para 26.

22 Ibid Ch 5 para 2.

23 Ibid Ch 5 paras 3, 6-8.

24 Ibid Ch 5 para 3.

UPDATE

7 Reform of the Post Office

TEXT AND NOTES--The Postal Services Act 2000 gives effect to the legislative changes proposed by the White Paper.

As to the establishment, duties and functions of the Postal Services Commission see PARAS 10, 10A-10F.

NOTE 2--SI 1999/1933 revoked: SI 1999/2863.

TEXT AND NOTES 12-14--The Consumer Council for Postal Services, established by the Postal Services Act 2000, is replaced by, and its functions are transferred to, the National Consumer Council (see PARA 43-51): see Consumers, Estate Agents and Redress Act 2007 s 30(2), (3)(b). As to provision for compensation for loss of office of members of the Consumer Council for Postal Services, and for the transfer of its property, rights and liabilities see ss 34-36.

NOTE 20--See Postal Services Act 2000 ss 62 (see PARA 3), and 63, 64 (see PARA 55A).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(1) HISTORICAL AND GENERAL/(iii) The Legislation/8. Territorial extent of the principal legislation.

8. Territorial extent of the principal legislation.

The British Telecommunications Act 1981, the Post Office Act 1969 and the Post Office Act 1953 extend to Northern Ireland¹. Although on the passing of the Post Office Act 1969 certain provisions of those Acts extended to the Channel Islands and the Isle of Man², subsequent agreements have led to the repeal of most of them in relation to the Channel Islands and the Isle of Man³.

1 See the British Telecommunications Act 1981 s 90; the Post Office Act 1969 s 139(1); and the Post Office Act 1953 s 88 (amended by the Northern Ireland Act 1962 s 30(2)(d), Sch 4 Pt IV).

2 The Post Office Act 1953, except ss 33-45, extended to the Isle of Man (s 90(1)); and the same provisions, except s 51, originally extended to the Channel Islands (s 89(1) (now repealed by the Telecommunication Services (Channel Islands Consequential Provisions) Order 1972, SI 1972/1816)). The Post Office Act 1969 Pt III (ss 6-88) (as amended), ss 137, 138, Schs 1, 2, 9, and parts of Schs 4, 5, extended to the Channel Islands and the Isle of Man: see ss 88, 137(4), 138(2). Schedule 10 extended to the Isle of Man: s 138(2).

3 The agreements were made under ibid s 87 (as amended), and provided for the surrender by the Post Office of its exclusive privileges in the Channel Islands and its exclusive privilege of conveying letters in the Isle of Man. The agreement with the States of Jersey was made on 15 August 1969 with respect to the postal privilege: see the Postal Services (Jersey) Order 1969, SI 1969/1366, art 4, Sch 1. The agreement with the States of Guernsey was made on 15 August 1969 with respect to the postal privilege: see the Postal Services (Guernsey) Order 1969, SI 1969/1367, art 4, Sch 1. The agreement with the Isle of Man government for the surrender of the postal privilege was made on 4 May 1973: see the Postal Services (Isle of Man) Order 1973, SI 1973/959, art 4, Sch 1. See also the Postal Services (Channel Islands Consequential Provisions) Order 1969, SI 1969/1368 (as amended).

UPDATE

8 Territorial extent of the principal legislation

TEXT AND NOTES--1953 Act, 1969 Act and 1981 Act replaced by Postal Services Act 2000 which extends to Northern Ireland (s 131(3)), and extends in part to the Isle of Man and the Channel Islands (see s 131(4)). In relation to the Isle of Man, the 1981 Act is repealed and the 1969 Act is largely repealed: Statute Law (Repeals) Act 2004.

NOTE 3--1969 Act s 87 repealed: 2000 Act Sch 9. SI 1969/1366 revoked, SI 1669/1368 revoked in so far as it extends to Jersey: SI 2006/1918.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(1) HISTORICAL AND GENERAL/(iii) The Legislation/9. Miscellaneous enactments relating to land.

9. Miscellaneous enactments relating to land.

A number of Acts passed since 1815 had empowered the Postmaster General to acquire land compulsorily or by agreement and to execute works. Most of them were spent before 1 October 1969, but the outstanding provisions of those enactments¹ were preserved and have had effect since that day as if references in them to the Postmaster General were references to the Post Office². Certain other statutory obligations and rights of the Postmaster General were similarly transferred to the Post Office³.

1 These enactments are the Post Office Extension Act 1865; the Manchester Post Office Act 1876; the Post Office (London) Railway Act 1913; the Post Office (Site and Railway) Act 1954; the Post Office Subway Act 1966; the Post Office (Sites) Acts passed between 1885 and 1938 (see the Post Office Act 1969 s 22(5)); and the Post Office Works Act 1959 (which vested in the Postmaster General certain underground works which had been constructed in London, Manchester and Birmingham in the exercise of emergency powers (s 1), made provision for compensation (s 2), and imposed liability on the Postmaster General in respect of damage caused by the withdrawal of support from superjacent strata (s 3)).

2 See the Post Office Act 1969 s 22(1).

3 See the provisions mentioned in ibid s 22(2), (3), (4).

UPDATE

9 Miscellaneous enactments relating to land

TEXT AND NOTE 2--References to the Post Office in the Post Office Works Act 1959 and the Post Office Subway Act 1966 now have effect as if they were references to the Post Office company and its relevant subsidiaries: SI 2003/2908.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(1) HISTORICAL AND GENERAL/(iv) Regulation of Postal Services/10. The Postal Services Commission.

(iv) Regulation of Postal Services

10. The Postal Services Commission.

As from 1 April 2000¹ the Postal Services Commission is designated as a national regulatory authority for the postal sector in the United Kingdom². Its function, which it must perform so as to ensure compliance with the obligations arising from the Postal Services Directive³, is to advise the Secretary of State in relation to postal services generally and, in particular, on the exercise of his powers under the Post Office Act 1969 and the British Telecommunications Act 1981⁴.

In the performance of its function, the Commission is under a duty:

- (1) to promote the interests of consumers of postal services generally, having regard, in particular, to the need for effective competition wherever possible and appropriate⁵;
- (2) to promote the provision of a universal postal service⁶;
- (3) to promote the provision of high quality postal services⁷;
- (4) to have regard to guidance issued to it by the Secretary of State⁸;
- (5) to keep itself informed about postal services generally⁹;
- (6) to prepare an annual report on the performance of its function to the Secretary of State¹⁰;
- (7) to consult the Post Office Users' National Council¹¹; and
- (8) to prepare, consult on, publish and have regard to a code of practice governing the exercise of its function¹².

For the purposes of performing its functions the Commission must have power:

- (a) with the approval of the Secretary of State and the Minister for the Civil Service¹³ as to numbers and terms and conditions of service, to appoint such staff as it may determine¹⁴; and
- (b) to require the Post Office to furnish the Commission with such information as appears to the Commission to be requisite or expedient for the purposes of facilitating the performance of its function and, if it considers it in the public interest, to publish such information¹⁵.

The Commission is subject to investigation by the Parliamentary Commissioner¹⁶, and members of the Commission are disqualified for membership of the House of Commons¹⁷.

1 Postal Services Regulations 1999, SI 1999/2107, reg 1(5).

2 Ibid reg 2(1). The Secretary of State for Trade and Industry is also designated as a national regulatory authority: see reg 2(1). For the meaning of United Kingdom¹ see PARA 18 note 1 post

3 Ibid reg 2(3)(b). As to the Postal Services Directive (Directive (EC) 97/67) see PARA 6 ante.

4 Postal Services Regulations 1999, SI 1999/2107, reg 2(2). Anything authorised or required by or under these provisions to be done by the Commission may be done by any member of the staff of the Commission who is authorised generally or specifically in the behalf by the Commission: reg 3(3).

5 Ibid reg 3(1)(a).

6 Ibid reg 3(1)(b). 'Universal postal service' is defined in the British Telecommunications Act 1981 s 59(1A) (as added): see PARA 24 post.

7 Postal Services Regulations 1999, SI 1999/2107, reg 3(1)(c).

- 8 Ibid reg 3(1)(d).
- 9 Ibid reg 3(1)(e).
- 10 Ibid reg 3(1)(f).
- 11 Ibid reg 3(1)(g). As to the Post Office Users' National Council see PARA 43 et seq post.
- 12 Ibid reg 3(1)(h).
- 13 As to the Minister for the Civil Service see CONSTITUTIONAL LAW AND HUMAN RIGHTS vol 8(2) (Reissue) PARAS 427, 550.
- 14 Ibid reg 3(2)(a).
- 15 Postal Services Regulations 1999, SI 1999/2107, reg 3(2)(b).
- 16 Parliamentary Commissioner Act 1967 s 4(1) (s 4 substituted by the Parliamentary and Health Service Commissioners Act 1987 s 1(1)), Parliamentary Commissioner Act 1967 Sch 2 (amended by the Postal Services Regulations 1999, SI 1999/2107, reg 3(4)).
- 17 House of Commons Disqualification Act 1975 s 1(1)(f), Sch 1 Pt II (as amended by the Postal Services Regulations 1999, SI 1999/2107, reg 3(5)).

UPDATE

10 The Postal Services Commission

TEXT AND NOTES--Replaced.

There is a body corporate known as the Postal Services Commission whose functions are performed on behalf of the Crown². The Commission's members³ consist of a chairman appointed by the Secretary of State, no fewer than three other persons appointed by the Secretary of State after consulting the chairman, and the chief executive of the Commission⁴. The appointed members⁵ of the Commission hold and vacate office in accordance with the terms⁶ of their respective appointments⁷. An appointment of a person to hold office as chairman or as a member appointed by the Secretary of State is for a term not exceeding five years⁸. A person holding such an office may resign his office by giving notice to the Secretary of State⁹. The Secretary of State may remove a person from any such office on the ground of incapacity or misbehaviour¹⁰. Where a person ceases to hold office as chairman or chief executive, he ceases to be a member of the Commission¹¹. No person is prevented from being a member of the Commission, whether as chairman or otherwise, merely because he has previously been a member of the Commission, whether as chairman or otherwise¹².

The Commission must, if required to do so by the Secretary of State, pay its appointed members such remuneration, and such travelling and other allowances, as the Secretary of State may determine¹³. The Commission must, if required to do so by the Secretary of State, pay to or in respect of any person who is or has been an appointed member of the Commission such pension, allowances or gratuities as the Secretary of State may determine, or make such payments as the Secretary of State may determine towards provision for the payment of a pension, allowance or gratuity to or in respect of such a person¹⁴. Where a person ceases to hold office as chairman or a member appointed by the Secretary of State, and the Secretary of State determines that there are special circumstances which make it right for that person to receive compensation, the Commission must make a payment to the person by way of compensation of such amount as the Secretary of State may determine¹⁵.

The Commission may establish committees and any committee of the Commission may establish sub-committees¹⁶. The members of a committee may include persons

who are not members of the Commission, and the members of a sub-committee may include persons who are not members of the committee¹⁷.

The Commission may regulate its own procedure, including quorum¹⁸.

Anything authorised or required to be done by the Commission may be done by any member, or member of staff, of the Commission who is authorised by the Commission for that purpose, whether generally or specifically, or any committee of the Commission¹⁹ which has been so authorised²⁰.

The Commission has power to do anything (except borrow money) which is calculated to facilitate, or is incidental or conducive to, the performance of any of its functions, and that power includes, in particular, the formation of advisory bodies²¹.

The Commission has a duty to keep under review its regulatory functions, other than any function exercised under competition law (or, if exercisable in Wales, if or to the extent that it relates to a Welsh ministerial matter), and, when carrying out those functions, not to impose unnecessary burdens, and where proportionate and practicable, to remove unnecessary burdens²².

1 Postal Services Act 2000 s 1(1). The Postal Services Commission designated by SI 1999/2107 reg 2(1) is abolished (2000 Act s 1(4)), and the reference to the Commission in SI 1999/2107 reg 2(1) is to be construed as a reference to the Commission established by the 2000 Act s 1 (Sch 8 para 27).

2 Ibid s 1(2).

3 The members are known as Postal Service Commissioners: *ibid* Sch 1 para 1(2).

4 *Ibid* Sch 1 para 1(1). The appointment of a person as chief executive is to be preceded by consultation with the Secretary of State: Sch 1 para 5(1). The appointment is on such terms and conditions of service as the Minister for the Civil Service may approve: Sch 1 para 5(2). The Commission may, with the approval of the Minister for the Civil Service as to numbers and terms and conditions of service, appoint such other staff as it considers appropriate: Sch 1 para 5(3).

5 References to appointed members are construed as references to the chairman and to the members appointed by the Secretary of State: Sch 1 para 1(3).

6 The terms of appointments are determined by the Secretary of State: *ibid* Sch 1 para 2(2).

7 *Ibid* Sch 1 para 2(1).

8 *Ibid* Sch 1 para 3(1).

9 *Ibid* Sch 1 para 3(2).

10 *Ibid* Sch 1 para 3(3).

11 *Ibid* Sch 1 para 3(4).

12 *Ibid* Sch 1 para 3(5).

13 *Ibid* Sch 1 para 4(1).

14 *Ibid* Sch 1 para 4(2).

15 *Ibid* Sch 1 para 4(3).

16 *Ibid* Sch 1 para 6(1).

17 *Ibid* Sch 1 para 6(2).

18 *Ibid* Sch 1 para 7(1). The validity of anything done by the Commission is not affected by a vacancy among its members or by a defect in the appointment of a member: Sch 1 para 7(2).

19 'Committee of the Commission' does not include a committee whose members include any person who is not a member, or a member of staff, of the Commission: *ibid* Sch 1 para 10(2).

20 *Ibid* Sch 1 para 10(1).

21 *Ibid* Sch 1 para 11(1), (2).

22 Regulatory Enforcement and Sanctions Act 2008 ss 72(1), (2), 73(1), (2)(d), (3)(c). The Commission must publish a statement each year, setting out its proposals pursuant to the duty and, where a burden that is unnecessary has not been removed, explaining why its removal would be disproportionate or impracticable: see s 72(3)-(7).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(1) HISTORICAL AND GENERAL/(iv) Regulation of Postal Services/10A. Duties of the Postal Services Commission.

10A. Duties of the Postal Services Commission.

The Postal Services Commission¹ must² exercise its functions in the manner which it considers is best calculated to further the interests of users, including addressees and potential users, of postal services³, wherever appropriate by promoting effective competition between postal operators⁴. In performing that duty, the Commission must have regard to the interests of individuals who are disabled or chronically sick, individuals of pensionable age, individuals with low incomes, and individuals residing in rural areas, but that is not taken as implying that regard may not be had to the interests of other descriptions of users⁵.

The Commission must exercise its functions in the manner which it considers is best calculated to promote efficiency and economy on the part of postal operators⁶.

In exercising any of its functions in relation to licence holders⁷, the Commission must have regard to the need to ensure that such licence holders are able to finance activities authorised or required by their licences⁸.

The Commission must provide advice and information to the Secretary of State about the number and location of public post offices⁹ of such descriptions as the Secretary of State may specify, and their accessibility to users of postal and other services¹⁰.

The Commission must, in exercising its functions, have regard to any guidance given by the Secretary of State from time to time about the making by the Commission of a contribution towards the attainment of any social or environmental policies set out or referred to in the guidance¹¹.

The Commission must prepare, and may revise, a code of practice governing the discharge by it of its functions and to which the Commission, in exercising its functions, must have regard¹².

1 See PARA 10.

2 Subject to the Postal Services Act 2000 s 3: see PARA 24.

3 For the meaning of 'postal services' see PARA 24.

4 2000 Act s 5(1).

5 *Ibid* s 5(2).

6 *Ibid* s 5(3). This provision is subject to the provisions of ss 3, 5(1): s 5(3).

7 As to licences generally, see *ibid* Pt II (ss 6-41); and PARA 80.

8 *Ibid* s 5(4).

9 'Public post office' means any post office from which any postal services are provided directly to the public, whether or not together with other services: *ibid* s 42(3). 'Post office' includes any house, building, room, vehicle or place used for the provision of any postal services: s 125(1).

10 *Ibid* s 42(1). The Commission must consult the National Consumer Council (see PARA 43-51) before providing any such advice or information: s 42(2).

The Council has power to investigate any matter relating to the number and location of public post offices: Consumers, Estate Agents and Redress Act 2007 s 16.

11 2000 Act s 43(1), (2). Before giving any such guidance, the Secretary of State must consult the Commission, the Council, any universal service provider (see PARA 24), any licence holder who is not a universal service provider, and such other persons as the Secretary of State considers appropriate: s 43(3). The Secretary of State must publish any such guidance in such manner as he considers appropriate: s 43(8).

12 *Ibid* s 50(1), (2). In preparing or revising the code, the Commission must consult the Secretary of State, the Council, any universal service provider, any licence holder who is not a universal service provider, and such other persons as the Commission considers appropriate: s 50(3). The Commission must publish in such manner as it considers appropriate the code as for the time being in force: s 50(4).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(1) HISTORICAL AND GENERAL/(iv) Regulation of Postal Services/10B. Review and information.

10B. Review and information.

So far as the Postal Services Commission¹ considers it practicable to do so with a view to facilitating the exercise of its functions, it must keep under review the provision, in the United Kingdom, other member states and elsewhere, of postal services², and collect information about the provision, in the United Kingdom, other member states and elsewhere, of those services³. The Secretary of State may give directions indicating considerations to which the Commission is to have particular regard in deciding the order of priority in which matters are to be reviewed⁴. So far as the Commission considers it practicable to do so with a view to facilitating the exercise of its functions, it must, in particular, collect information which enables comparisons to be made between the efficiency and economy of different postal operators⁵, whether in the United Kingdom, other member states or elsewhere⁶.

The Commission must from time to time collect information in relation to the standards of performance achieved by any universal service provider in the provision of a universal postal service⁷, and licence holders⁸ in the provision of services authorised or required by their licences⁹.

The Commission may collect such information as is necessary for it to comply with a notice of the National Consumer Council¹⁰.

If the Commission considers it expedient or is asked by the Secretary of State to do so, it must provide information, advice and help to the Secretary of State regarding any matter in relation to which the Commission has a function¹¹.

1 See PARA 10.

2 For the meaning of 'postal services' see PARA 24.

3 Postal Services Act 2000 s 44(1).

4 Ibid s 44(2).

5 A 'postal operator' is a person who provides the service of conveying postal packets from one place to another by post or any of the incidental services of receiving, collecting, sorting and delivering such packets: ibid s 125(1). For the meaning of 'postal packets' see PARA 24.

6 Ibid s 44(3).

7 See PARA 24.

8 As to licences generally, see the 2000 Act Pt II (ss 6-41); and PARA 80.

9 Ibid s 44(4).

10 Ibid s 44(5) (amended by Consumers, Estate Agents and Redress Act 2007 Sch 7 para 13), referring to a notice under s 24(1). As to the Council see PARA 43-51.

11 Ibid s 44(6).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(1) HISTORICAL AND GENERAL/(iv) Regulation of Postal Services/10C. Annual and other reports.

10C. Annual and other reports.

The Postal Services Commission¹ must, as soon as practicable after the end of each financial year², make a report ('the annual report') to the Secretary of State on its activities during that year, which must include (1) a general survey of developments in relation to matters falling within the scope of the Commission's functions; (2) a report as to the manner in which the Commission has complied with its obligations under the Postal Services Directive³; (3) a report as to whether each licence holder⁴ has achieved any standards of performance specified for him in his licence, or determined for him by or under it, in relation to the provision of services authorised or required by his licence; (4) a summary of final and provisional orders made during that year, of provisional orders confirmed during that year, and penalties imposed during that year⁵; (5) a report on the progress of the projects described in the forward work programme⁶ for that year; (6) a report on such other matters as the Secretary of State may from time to time require⁷. The Secretary of State must lay a copy of each annual report before each House of Parliament, and publish the report in such manner as he considers appropriate⁸.

The Commission may prepare other reports in relation to any matter falling within the scope of its functions and may publish any such report in such manner as it considers appropriate⁹.

The Commission must send a copy of each annual or other report to the National Consumer Council¹⁰.

So far as practicable the Commission must secure the exclusion from any report of any matter relating to the affairs of a person if the Commission considers that its inclusion would or might seriously and prejudicially affect the person's interests¹¹.

1 See PARA 10.

2 For the meaning of 'financial year' see PARA 47.

3 The European Parliament and EC Council Directive 97/67 (amended by European Parliament and EC Council Directive 2008/6) on common rules for the development of the internal market of Community postal services and the implementation of quality of service.

4 As to licences generally, see the Postal Services Act 2000 Pt II (ss 6-41); and PARA 80.

5 See *ibid* ss 22-24; and PARA 80.4.

6 A forward work programme, containing a general description of the projects, other than those comprising routine activities in the exercise of the Commission's functions, which it plans to undertake during the year must be published by it before each financial year: *ibid* s 61(1) (amended by Consumers, Estate Agents and Redress Act 2007 Sch 7 para 14(a), Sch 8). That description must, in particular, include the objectives of each project, and an estimate of the overall expenditure which the Commission expects to incur during the year in undertaking the projects: Postal Services Act 2000 s 61(2) (amended by Consumers, Estate Agents and Redress Act 2007 Sch 7 para 14(b), Sch 8). Before publishing the forward work programme for any year, the Commission must give notice of the draft forward work programme, and consider any representations made in accordance with the notice and not withdrawn: Postal Services Act 2000 s 61(3) (amended by Consumers, Estate Agents and Redress Act 2007 Sch 7 para 14(c), Sch 8). The notice must contain a draft of the forward work programme, and specify the period within which representations may be made about the proposals contained in it, and must be given by serving a copy of the notice on the Secretary of State and the National Consumer Council (see PARA 43-51) and publishing the notice in such manner as the Commission considers appropriate for the purpose of bringing the matters to which the notice relates to the attention of persons likely to be affected by them: Postal Services Act 2000 s 61(4), (5) (s 61(5) amended by Consumers, Estate Agents and Redress Act 2007 Sch 7 para 14(c), Sch 8).

7 Postal Services Act 2000 s 45(1), (2). The Secretary of State must consult the Commission before exercising his power under head (6) in the text in relation to any matter: s 45(3).

8 *Ibid* s 45(4).

9 *Ibid* s 45(5).

10 *Ibid* s 45(6). As to the Council see PARA 43-51; and as to the sending of documents see s 121.

11 *Ibid* s 45(7). This provision does not apply if does not apply if the person concerned consents to inclusion of the matter in the report, or the Commission considers that inclusion of the matter in the report would be in the public interest: s 45(8).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(1) HISTORICAL AND GENERAL/(iv) Regulation of Postal Services/10D. Publication of information and advice.

10D. Publication of information and advice.

The Postal Services Commission¹ may publish such information and advice as it considers expedient to give to a universal service provider², any licence holder³ who is not a universal service provider, or users of postal services⁴. Such publication must be in such form and manner as the Commission considers appropriate⁵. So far as practicable the Commission must secure the exclusion of any matter relating to the affairs of a person if it considers that its publication would or might seriously and prejudicially affect the person's interests⁶.

1 See PARA 10.

2 See PARA 24.

3 As to licences generally, see the Postal Services Act 2000 Pt II (ss 6-41); and PARA 80.

4 *Ibid* s 46(1).

5 *Ibid* s 46(2).

6 Ibid s 46(3). This provision does not apply if the person concerned consents to publication of the matter, or the Commission considers that publication of the matter would be in the public interest: s 46(4).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(1) HISTORICAL AND GENERAL/(iv) Regulation of Postal Services/10E. Power to require information.

10E. Power to require information.

The Postal Services Commission¹ may, for any relevant purpose², serve written notice on any person requiring him to produce any documents³ which are specified or described in the notice and are in that person's custody or under his control, and to produce them at a time and place so specified and to a person so specified⁴. The Commission may, for any relevant purpose, serve notice on any person who carries on any business requiring him to supply to the Commission such information as may be specified or described in the notice, and to supply it at a time and place and in a form and manner so specified and to a person so specified⁵. The person to whom any document is produced in accordance with a notice may, for any relevant purpose, copy the document so produced⁶. No person is required to produce any documents which he could not be compelled to produce in civil proceedings before the court⁷, or to supply any information which he could not be compelled to supply in evidence in such proceedings⁸.

A person commits an offence if, without reasonable excuse, he fails to do anything required of him by a notice mentioned above⁹. A person commits an offence if he intentionally alters, suppresses or destroys any document which he has been required to produce by a notice, or, in supplying any information required of him by a notice, makes any statement which he knows to be false in a material particular or recklessly makes any statement which is false in a material particular¹⁰.

If a person makes default in complying with a notice, the court may, on the application of the Commission, make such order as the court considers appropriate for requiring the default to be made good¹¹. Any such order may, in particular, provide that all the costs or expenses of and incidental to the application must be borne by the person in default, or, if officers of a company or other association are responsible for its default, by those officers¹².

1 See PARA 10.

2 'Relevant purpose' means any purpose connected with the investigation of an offence under Postal Services Act 2000 s 6 (see PARA 78) or any proceedings for such an offence, or the exercise of the Commission's functions under ss 22-24 (see PARA 80.4), 30 (see PARA 80.5), 42 (see PARA 10A) or 44(4), (5) (see PARA 10B): s 47(6).

3 Any reference to the production of a document includes a reference to the production of a legible and intelligible copy of information recorded otherwise than in legible form: 2000 Act ss 47(5), 48(8).

4 Ibid s 47(1). As to the service of documents see s 121.

5 Ibid s 47(2).

6 Ibid s 47(3). A person commits an offence if he intentionally obstructs or delays any person in the exercise of such powers: s 48(2). Such a person is liable on summary conviction to a fine not exceeding level 5 on the standard scale: s 48(3). As to the standard scale see SENTENCING AND DISPOSITION OF OFFENDERS vol 92 (2010) PARA 142.

7 In the High Court: ibid ss 47(6), 48(9).

8 Ibid s 47(4).

9 Ibid s 48(1). Such a person is liable on summary conviction to a fine not exceeding level 5 on the standard scale: s 48(3).

10 Ibid s 48(4). Such a person is liable, on summary conviction, to a fine not exceeding the statutory maximum, and on conviction on indictment, to a fine: s 48(5).

11 Ibid s 48(6).

12 Ibid s 48(7).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(1) HISTORICAL AND GENERAL/(iv) Regulation of Postal Services/10F. References of matters to the Postal Services Commission and standards for handling complaints.

10F. References of matters to the Postal Services Commission and standards for handling complaints.

The National Consumer Council (see PARA 43-51) must refer any complaint within the Consumers, Estate Agents and Redress Act 2007 s 11(1)(a) (complaint by consumer appearing to raise one or more issues of general relevance, or to which s 12(3) (complaint by vulnerable designated consumer) applies), to the Postal Services Commission (see PARA 10) if the Council considers that the subject matter of the complaint indicates that a condition of a licence under the Postal Services Act 2000 Pt 2 (ss 6-41) has been contravened, the subject matter of the complaint is a referable matter, or it is appropriate to do so: Consumers, Estate Agents and Redress Act 2007 s 15(1). The Council and the Commission must, from time to time, agree the descriptions of matters which are to be referred to the Commission and, for these purposes, a matter is a 'referable matter' if it is of a description for the time being so agreed: s 15(2).

The Commission has a duty to make regulations, following appropriate consultation, publication of notice of its proposals and considering any representations made, prescribing complaint handling standards that are binding on service providers (see ss 42(1), 43, 44); and it may make regulations requiring regulated providers to provide consumers with information about any complaint handling standards prescribed by the regulator and about the regulated provider's levels of compliance with those standards (s 46). For regulations made under ss 43, 44, 46, see Postal Services (Consumer Complaints Handling Standards) Regulations 2008, SI 2008/2355; and PARA 80.1.

The Commission must from time to time collect information with respect to the levels of compliance with the standards, prescribed by it by regulations under the Consumers, Estate Agents and Redress Act 2007 s 43, which licence holders under the Postal Services Act 2000 Pt 2 have achieved: s 61A (added by Consumers, Estate Agents and Redress Act 2007 Sch 5 para 3(3)).

A licensed provider of postal services (ie a person holding a licence under the Postal Services Act 2000 Pt 2 who provides relevant postal services to a relevant consumer is required to join a qualifying redress scheme in relation to consumer complaints about the provision of a relevant postal service: see Consumers, Estate Agents and Redress Act 2007 s 47; Postal Services Regulated Providers (Redress Scheme) Order 2008, SI 2008/2267.

A redress scheme is a scheme under which consumer complaints may be made to, and investigated and determined by, an independent person, and an approved redress scheme may admit persons who are not required to belong to such a scheme and may investigate matters other than those to which the duty to belong to a redress scheme applies: Consumers, Estate Agents and Redress Act 2007 s 48. 'Qualifying redress scheme' means a redress scheme which

is approved by the Commission in accordance with s 49 or which is administered and designated in accordance with s 47(1)(b): SI 2008/2267 art 2. 'Consumer complaint' means a complaint of one or more of the following kind which is made against a regulated provider by or on behalf of a person in that person's capacity as a relevant consumer in relation to that regulated provider: (1) a complaint relating to the difficulty experienced by the relevant consumer in making a complaint; (2) a complaint that has not been resolved to the satisfaction of the relevant consumer; and (3) a complaint about the failure of the regulated provider to adhere to its complaint handling procedure; and 'relevant consumer' means a person who is a consumer in relation to relevant postal services except to the extent that the consumer is a party to a contract for the provision of relevant postal services (art 2).

In giving approval for a redress scheme, the Commission must take into account the matters set out in the Consumers, Estate Agents and Redress Act 2007 s 49, and it may determine the manner and form of an application for approval of a redress scheme and any changes to an approved redress scheme must be notified to it within 14 days: s 50. As to the procedure which the Commission must follow when refusing approval for, or withdrawing approval from, an approved redress scheme see s 51; and as to the enforcement of complaint handling standards prescribed by it and in relation to any requirement to belong to a redress scheme which has been imposed by the Secretary of State see s 52.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(1) HISTORICAL AND GENERAL/(v) Universal Postal Union/11. Universal Postal Union.

(v) Universal Postal Union

11. Universal Postal Union.

The development of an international postal service has since its inception been regulated at an international level almost exclusively by the Universal Postal Union, which was initially established in 1874¹ and is now a specialised agency of the United Nations. One hundred and eighty-nine countries are now members and the fundamental rules introduced in 1874 are still the principles by which the Union operates. These rules seek to ensure the free and uninterrupted flow of cross-border mail throughout the world and include:

- (1) the formation among all member countries of a single postal territory for the reciprocal exchange of letter post items;
- (2) guaranteed freedom of transit within the territory of the Union;
- (3) in the case of letter post items, the abolition of the sharing of charges between the country of origin and the country of destination, with each administration retaining the entire amount of the charges which it collects, subject to remuneration, at the established rates, of intermediate administrations ensuring the transit of such items.

The legislative body of the Union, known as Congress, meets once every five years. The most recent Congress was held in Seoul in September 1994². Supplementary agreements have been developed under the auspices of the Union dealing with parcels, money orders, giros and cash on delivery services³.

In the United Kingdom, the Post Office is the designated postal administration for the purposes of the Union.

1 In September 1874 the Bern Congress met with delegates from 22 countries, resulting in the signing of the Treaty of Bern 1874 which established a Convention governing the international postal service and founded the General Postal Union. Three years later, given that the number of members had increased significantly, the title was changed to the Universal Postal Union.

2 See the General Regulations of the Universal Postal Union (Seoul, 14 September 1994, Cm 2937). As to the previous Congress see the Universal Postal Convention together with Final Protocol and Detailed Regulations (Washington, 14 September 1989, Cm 1369). The next Congress will meet in September 1999 in Beijing.

3 See the General Regulations of the Universal Postal Union (Seoul, 14 September 1994, Cm 2937). As to the previous Congress see the Postal Parcels Agreement together with Final Protocol and Detailed Regulations (Washington, 14 September 1989, Cm 1371); the Money Orders Agreement (Washington, 14 September 1989, Cm 1370); the Giro Agreement together with Detailed Regulations (Washington, 14 September 1989, Cm 1373); and the Cash on Delivery Agreement together with Final Protocol (Washington, 14 September 1989, Cm 1372).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/(i) The Constitution of the Post Office/12. Constitution of the Post Office.

(2) CONSTITUTION, POWERS AND DUTIES

(i) The Constitution of the Post Office

12. Constitution of the Post Office.

The Post Office is a public authority¹, being a body corporate having perpetual succession and a common seal². Its powers have been exercisable since 1 October 1969³. It consists of a chairman appointed by the Secretary of State⁴ and at least 6, but not more than 19, other members (who may be full-time or part-time) appointed by the Secretary of State after consultation with the chairman⁵.

1 Post Office Act 1969 s 6(1).

2 Ibid s 6(4), Sch 1 para 1.

3 Ie the appointed day for the purposes of the Post Office Act 1969: see s 1(1) (repealed); Post Office Act 1969 (Appointed Day) Order 1969, SI 1969/1066. As to the abolition of the office of Postmaster General and the distribution of his functions see PARA 1 ante.

4 Post Office Act 1969 s 6(2) (amended by the Post Office Act 1977 s 1(1); and the British Telecommunications Act 1981 s 89, Sch 6 Pt I); Post Office Act 1969 s 6(3) (amended by virtue of the Ministry of Posts and Telecommunications (Dissolution) Order 1974, SI 1974/691, arts 2, 3(3)). As to the Secretary of State see PARA 1 note 6 ante.

5 Post Office Act 1969 s 6(2), (3) (as amended: see note 4 supra).

UPDATE

12-23 Constitution of the Post Office ... Contributions to international organisations

The Post Office is replaced by Consignia plc, a public company limited by shares which is wholly owned by the Crown: Postal Services Act 2000 s 62(1), (4). See further PARA 3.

12-17 The Constitution of the Post Office

Post Office Act 1969 s 6, Sch 1 repealed: Postal Services Act 2000 Sch 9.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/(i) The Constitution of the Post Office/13. Appointment of members of the Post Office.

13. Appointment of members of the Post Office.

Before appointing a member of the Post Office, the Secretary of State¹ must satisfy himself that the person appointed will have no such financial or other interest as is likely to affect prejudicially the exercise and performance by him of his functions as a member; and he must also satisfy himself from time to time with respect to every member that he has no such interest². A member who is in any way directly or indirectly interested in a contract made or proposed to be made by the Post Office (or by a subsidiary³ of the Post Office, if the contract is brought up for consideration by the Post Office), must disclose the nature of his interest at a meeting of the Post Office and must not take part in any deliberation or decision of the Post Office with respect to that contract⁴. A general notice given by a member at such a meeting that he is a member of a specified company or firm and is to be regarded as interested in any contract which, after the date of the notice, may be made with the company or firm is sufficient disclosure in relation to any contract so made or proposed to be so made⁵.

A member holds and vacates office in accordance with the terms of his appointment⁶, but may at any time resign office by notice in writing to the Secretary of State⁷. The Secretary of State may declare a member's office to be vacant if he is satisfied that the member⁸:

- (1) has been absent from meetings of the Post Office for a period longer than three consecutive months without the permission of the Post Office⁹;
- (2) has become bankrupt or made an arrangement with his creditors¹⁰;
- (3) is incapacitated by physical or mental illness¹¹; or
- (4) is otherwise unable or unfit to discharge the functions of a member¹².

A member of the Post Office is disqualified for membership of the House of Commons¹³.

1 As to the Secretary of State see PARA 1 note 6 ante.

2 Post Office Act 1969 s 6(4), Sch 1 para 3(1) (amended by virtue of the Ministry of Posts and Telecommunications (Dissolution) Order 1974, SI 1974/691, arts 2, 3(3)). A member or person whom the Secretary of State proposes to appoint must, whenever requested by the Secretary of State, furnish to him such information as he considers necessary for the performance of his duties under the Post Office Act 1969 Sch 1 para 3 (as amended): Sch 1 para 3(1) (as so amended).

3 'Subsidiary' must be construed in accordance with the Companies Act 1985 s 736 (as amended) (see COMPANIES vol 14 (2009) PARA 25) and any reference to a wholly-owned subsidiary is to be construed in accordance with s 736 (as amended): Post Office Act 1969 s 86(2) (amended by Companies Consolidation (Consequential Provisions) Act 1985 s 30, Sch 2; and the Companies Act 1989 s 144(4), Sch 18 para 8).

4 See the Post Office Act 1969 Sch 1 para 3(2). The disclosure must be recorded in the minutes: Sch 1 para 3(2).

5 Ibid Sch 1 para 3(3). A member need not attend a meeting to make disclosure if he takes reasonable steps to secure that the disclosure is made by a notice brought up and read at the meeting: Sch 1 para 3(4).

6 Ibid Sch 1 para 2(1). On ceasing to be a member he is eligible for reappointment: Sch 1 para 2(1).

7 Ibid Sch 1 para 2(3) (amended by virtue of the Ministry of Posts and Telecommunications (Dissolution) Order 1974, SI 1974/691, arts 2, 3(3)).

8 Post Office Act 1969 Sch 1 para 5(1) (amended by virtue of the Ministry of Posts and Telecommunications (Dissolution) Order 1974, SI 1974/691, arts 2, 3(3)).

9 Post Office Act 1969 Sch 1 para 5(1)(a).

10 Ibid Sch 1 para 5(1)(b).

11 Ibid Sch 1 para 5(1)(c).

12 Ibid Sch 1 para 5(1)(d).

13 See the House of Commons Disqualification Act 1975 s 1(1), Sch 1 Pt II; and PARLIAMENT vol 78 (2010) PARA 908.

UPDATE

12-23 Constitution of the Post Office ... Contributions to international organisations

The Post Office is replaced by Consignia plc, a public company limited by shares which is wholly owned by the Crown: Postal Services Act 2000 s 62(1), (4). See further PARA 3.

12-17 The Constitution of the Post Office

Post Office Act 1969 s 6, Sch 1 repealed: Postal Services Act 2000 Sch 9.

13 Appointment of members of the Post Office

NOTE 3--Post Office Act 1969 s 86(2) repealed: SI 2009/1941.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/(i) The Constitution of the Post Office/14. Remuneration and pensions of members of the Post Office.

14. Remuneration and pensions of members of the Post Office.

The Post Office must pay to its members such salaries or fees and such allowances as the Secretary of State¹ may determine². As regards any member in whose case the Secretary of State so determines, it must pay to, or in respect of, him such pension, allowance or gratuity, or make such payments towards the provision of such a pension, allowance or gratuity, as may be so determined³. If it appears to the Secretary of State that there are special circumstances which make it right that a person who ceases to be a member should receive compensation, the Secretary of State may require the Post Office to pay to that person a sum of such amount as he may determine⁴. The approval of the Treasury is requisite to any such determination or requirements⁵.

- 1 As to the Secretary of State see PARA 1 note 6 ante.
- 2 Post Office Act 1969 s 6(4), Sch 1 para 4(1)(a) (Sch 1 para 4(1) amended by virtue of the Ministry of Posts and Telecommunications (Dissolution) Order 1974, SI 1974/691, arts 2, 3(3)).
- 3 Post Office Act Sch 1 para 4(1)(b) (as amended: see note 2 supra).
- 4 Ibid Sch 1 para 4(1) (as amended: see note 2 supra).
- 5 Ibid Sch 1 para 4(3). The reference to the Treasury was substituted by virtue of Transfer of Functions (Minister for the Civil Service and Treasury) Order 1981 SI 1981/1670, arts 2(1)(a), 3(5). As to the Treasury see CONSTITUTIONAL LAW AND HUMAN RIGHTS VOL 8(2) (Reissue) PARA 512 et seq.

UPDATE

12-23 Constitution of the Post Office ... Contributions to international organisations

The Post Office is replaced by Consignia plc, a public company limited by shares which is wholly owned by the Crown: Postal Services Act 2000 s 62(1), (4). See further PARA 3.

12-17 The Constitution of the Post Office

Post Office Act 1969 s 6, Sch 1 repealed: Postal Services Act 2000 Sch 9.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/(i) The Constitution of the Post Office/15. Proceedings of the Post Office.

15. Proceedings of the Post Office.

The validity of any proceedings of the Post Office is not affected by a vacancy among its members or by a defect in the appointment of a member¹. The quorum is three, disregarding, for the purpose of constituting a quorum for a decision or deliberation on any matter, any person who is disqualified from taking part in it². Subject to the relevant statutory provisions³, the Post Office has power to regulate its own procedure⁴.

- 1 Post Office Act 1969 s 6(4), Sch 1 para 7.
- 2 Ibid Sch 1 para 8.
- 3 Ibid Sch 1 paras 1-8 (as amended): see PARAS 12-14 ante.
- 4 Ibid Sch 1 para 9.

UPDATE

12-23 Constitution of the Post Office ... Contributions to international organisations

The Post Office is replaced by Consignia plc, a public company limited by shares which is wholly owned by the Crown: Postal Services Act 2000 s 62(1), (4). See further PARA 3.

12-17 The Constitution of the Post Office

Post Office Act 1969 s 6, Sch 1 repealed: Postal Services Act 2000 Sch 9.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/(i) The Constitution of the Post Office/16. Proof of instruments.

16. Proof of instruments.

A certificate signed by the secretary¹ that an instrument purporting to be made or issued by or on behalf of the Post Office was so made or issued is conclusive evidence of that fact². Every document purporting to be an instrument made or issued by or on behalf of the Post Office and to be duly executed under the seal of the Post Office³, or to be signed or executed by the secretary or a person authorised by the Post Office to act in that behalf, must be received in evidence and deemed, without further proof, to be so made or issued unless the contrary is shown⁴.

1 As to the appointment of the secretary see PARA 36 post.

2 Post Office Act 1969 s 6(4), Sch 1 para 14.

3 The fixing of the seal of the Post Office must be authenticated by the signature of the Secretary of the Post Office or of some other person authorised, either generally or specially, by the Post Office to act for that purpose: *ibid* Sch 1 para 13.

4 *Ibid* Sch 1 para 15.

UPDATE

12-23 Constitution of the Post Office ... Contributions to international organisations

The Post Office is replaced by Consignia plc, a public company limited by shares which is wholly owned by the Crown: Postal Services Act 2000 s 62(1), (4). See further PARA 3.

12-17 The Constitution of the Post Office

Post Office Act 1969 s 6, Sch 1 repealed: Postal Services Act 2000 Sch 9.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/(i) The Constitution of the Post Office/17. Status.

17. Status.

The Post Office is not a servant or agent of the Crown and does not enjoy any status, immunity or privilege of the Crown, or any exemption from any tax, duty, rate, levy or other charge whatsoever, whether general or local; nor is its property to be regarded as property of, or held on behalf of, the Crown¹.

¹ Post Office Act 1969 s 6(5). Packets in the post have by statute the same immunity from examination, seizure or detention under statutory powers, or from distress, execution or lien, as they would have if they were Crown property, and the Post Office and persons engaged in its business are protected against prosecution for handling such packets containing things the possession etc of which would otherwise be an offence: see s 64; and PARA 90 post.

UPDATE

12-23 Constitution of the Post Office ... Contributions to international organisations

The Post Office is replaced by Consignia plc, a public company limited by shares which is wholly owned by the Crown: Postal Services Act 2000 s 62(1), (4). See further PARA 3.

12-17 The Constitution of the Post Office

Post Office Act 1969 s 6, Sch 1 repealed: Postal Services Act 2000 Sch 9.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/(ii) General Powers and Duties of the Post Office/18. General powers of the Post Office.

(ii) General Powers and Duties of the Post Office

18. General powers of the Post Office.

The Post Office has power¹:

- (1) to provide postal services (including cash on delivery services²) and telepost services³;
- (2) to provide banking services and such other services by means of which money may be remitted (whether by means of money orders postal orders or otherwise) as it thinks fit⁴;
- (3) to provide, in such parts of post offices as are open to the public (whether for the transaction of postal business or otherwise, such services provided by means of telecommunications as it thinks fit⁵;
- (4) to perform services for any public telecommunications operator or any subsidiary of such an operator⁶;
- (5) to perform services for Her Majesty's government in the United Kingdom, Her Majesty's government in Northern Ireland or the government of a country or territory outside the United Kingdom⁷;
- (6) to perform services for local authorities or national health authorities⁸;
- (7) with the consent of, or in accordance with the terms of a general authorisation given by, the Secretary of State⁹, to perform in such parts of post offices as are open to the public for the transaction of postal business, such

services for any operator of a public passenger transport service¹⁰, or any subsidiary of such an operator, as it thinks fit, being services which are connected with the provision of public passenger transport services¹¹; and

(8) with the consent of, or in accordance with the terms of a general authorisation given by, the Secretary of State, to perform in such parts of post offices as are open to the public for the transaction of postal business, such services for bodies falling within the following categories as it thinks fit¹²:

1. (a) any body corporate (i) which supplies goods and services by way of business; (ii) the affairs of which are managed by its members; and (iii) the members of which hold office as such by virtue of their appointment to that or another office by a minister of the Crown under any enactment¹³;
2. (b) any passenger transport executive for the purposes of Part II of the Transport Act 1968¹⁴;
3. (c) the Environment Agency or any water undertaker or sewerage undertaker¹⁵;
4. (d) a gas supplier (within the meaning of Part I of the Gas Act 1986)¹⁶;
5. (e) a public electricity supplier (within the meaning of Part I of the Electricity Act 1989)¹⁷;
6. (f) a public electricity supplier (within the meaning of Part II of the Electricity (Northern Ireland) Order 1992)¹⁸;
7. (g) a person holding a licence under the Gas (Northern Ireland) Order 1996¹⁹;
8. (h) the British Broadcasting Corporation²⁰;
9. (i) any body corporate with a statutory duty to promote and assist the maintenance and development of the efficient supply of any goods or services by a body falling within heads (a) to (h) above²¹; or
10. (j) any wholly-owned subsidiary of a body falling within heads (a) to (i) above²².

However, the Secretary of State may by order made by statutory instrument exclude from this provision such bodies or bodies of such descriptions as may be specified in the order²³.

To secure the effective exercise of any of these powers the Post Office has the power to do anything appearing to it to be requisite, advantageous or convenient²⁴.

1 The provisions of the Post Office Act 1969 s 7 (as amended), conferring these powers and the powers described in PARA 20 post, relate only to the capacity of the Post Office as a statutory corporation and do not authorise the disregard of any enactment or rule of law: s 7(3). The provisions of s 7 (as amended) are not to be construed as limiting any power of the Post Office conferred by or under any subsequent provisions of the Post Office Act 1969: s 7(5). The exercise of these powers is not confined to the British Islands: s 7(6). 'The British Islands' means the United Kingdom, the Isle of Man and the Channel Islands: s 86(1). 'United Kingdom' means Great Britain and Northern Ireland: Interpretation Act 1978 s 5, Sch 1. 'Great Britain' means England, Scotland and Wales: Union with Scotland Act 1706, preamble art I; Interpretation Act 1978 s 22(1), Sch 2 para 5(a). See further CONSTITUTIONAL LAW AND HUMAN RIGHTS vol 8(2) (Reissue) PARA 3.

2 'Cash on delivery service' means a service whereby the Post Office or a foreign administration collects or secures the collection of a sum of money on the delivery of anything consigned for conveyance by post and remits it to the sender: Post Office Act 1969 s 86(1).

3 Ibid s 7(1)(a) (s 7(1)(a)-(e) substituted by the British Telecommunications Act 1981 s 58(1), (2)). 'Telepost service' means a service whereby the Post Office does all of any of the following: (1) receives or collects in whatever form communications which are to be transmitted by means of a telecommunication system; (2) transmits by means of such a system communications which have been received or collected, or are to be delivered, in whatever form; and (3) delivers in whatever form communications which have been transmitted by means of such a system: Post Office Act 1969 s 86(1) (definition substituted by the Telecommunications Act 1984 s 99(3)).

4 Post Office Act 1969 s 7(1)(b) (as substituted: see note 3 supra). However, the Post Office disposed of its banking service through the sale of Girobank plc in 1990.

5 Ibid s 7(1)(bb) (added by the Telecommunications Act 1984 s 99(1)). 'Telecommunication system' has the meaning given by the British Telecommunications Act 1981 s 4(1) read with s 4(2) (see TELECOMMUNICATIONS vol 97 (2010) PARAS 59-60); Post Office Act 1969 s 86(1) (definition added by the Telecommunications Act 1984 s 99(3)).

6 Post Office Act 1969 s 7(1)(c) (as substituted: see note 3 supra). For the meaning of 'subsidiary' see PARA 13 note 3 ante.

7 Ibid s 7(1)(d) (as substituted: see note 3 supra).

8 Ibid s 7(1)(d) (as substituted: see note 3 supra). 'Local authority' means: (1) in relation to England, the council of a county or district, the council of a London borough, a joint authority established by the Local Government Act 1985 Pt IV (ss 23-42) (as amended) (see LOCAL GOVERNMENT vol 69 (2009) PARA 47 et seq) or the Common Council of the City of London; (2) in relation to Wales, the council of a county or county borough; (3) in relation to Northern Ireland, a district council, the Northern Ireland Housing Executive, the Northern Ireland Electricity Service or an Education and Library Board: Post Office Act 1969 s 86(1) (definition amended by the Local Government Act 1972 s 179(3); the British Telecommunications Act 1981 s 89, Sch 6 Pt I; the Local Government Act 1985 ss 84, 102(2), Sch 14 Pt II para 45, Sch 17; the Education Reform Act 1988 s 237(2), Sch 13 Pt I; the Local Government (Wales) Act 1994 s 66(6), (8), Sch 16 para 35, Sch 18; and the Local Government Reorganisation (Consequential Provisions) (Northern Ireland) Order 1973, SI 1973/2095, art 5(1), Sch 1 para 8). For the purposes of the Post Office Act 1969 s 7(1)(e) (as substituted), 'local authority' includes a police authority established under the Police Act 1996 s 3, the Service Authority for the National Criminal Intelligence Service and the Service Authority for the National Crime Squad (see POLICE vol 36(1) (2007 Reissue) PARA 430); Post Office Act 1969 s 7(1AA) (added by the Police and Magistrates' Courts Act 1994 s 43, Sch 4 Pt II para 49; and amended by the Police Act 1996 s 103(1), Sch 7 Pt I para 1(1), (2)(f); and the Police Act 1997 s 134(1), Sch 9 para 19).

'National health service authority, in relation to England and Wales, means a Health Authority or a Special Health Authority; and in relation to Northern Ireland, means a Health and Social Services Board, the Northern Ireland Central Services Agency for the Health and Social Services or the Northern Ireland Staffs Council for the Health and Social Services established under the Health and Personal Social Services (Northern Ireland) Order 1972, SI 1972/1265 (NI); Post Office Act 1969 s 86(1) (definition amended by the National Health Service Reorganisation Act 1973 ss 57, 58, Sch 4 para 130; and the Health Authorities Act 1995 s 2(1), Sch 1 Pt III para 96).

9 As to the Secretary of State see PARA 1 note 6 ante.

10 ie public passenger transport service within the meaning of the Transport Act 1985 s 63(10)(a): see ROAD TRAFFIC vol 40(3) (2007 Reissue) PARA 1252.

11 Post Office Act 1969 s 7(1)(ee) (added by the Transport Act 1985 s 139(2), Sch 7 para 13(a)).

12 Post Office Act 1969 s 7(1)(f) (added by the British Telecommunications Act 1981 s 58(1), (2)).

13 Post Office Act 1969 s 7(1A)(a)(i)-(iii) (s 7(1A) added by the British Telecommunications Act 1981 s 58(3)).

14 Post Office Act 1969 s 7(1A)(b) (as added: see note 13 supra; and further amended by the London Regional Transport Act 1984 s 71(3), Sch 6 para 6, Sch 7; and the Transport Act 1985 s 57(6), Sch 3 para 22). As to passenger transport executives under the Transport Act 1968 Pt II (ss 9-23A) (as amended): see ROAD TRAFFIC vol 40(1) (2007 Reissue) PARA 247.

15 Post Office Act 1969 s 7(1A)(c) (s 7(1A) as added: see note 13 supra; and s 7(1A)(c) (as added) substituted by the Water Act 1989 s 190(1), Sch 25 para 39; and further amended by virtue of the Environment Act 1995 (Consequential Amendments) Regulations 1996, SI 1996/593, reg 2, Sch 1). As to the Environment Agency see ENVIRONMENTAL QUALITY AND PUBLIC HEALTH vol 45 (2010) PARA 68 et seq; WATER AND WATERWAYS vol 100 (2009) PARA 17.

16 Post Office Act 1969 s 7(1A)(ca) (s 7(1A) as added: see note 13 supra; and s 7(1A)(ca) added by the Gas Act 1986 s 67(1), Sch 7 para 10; and further amended by the Gas Act 1995 s 16(1), Sch 4 para 9). As to gas suppliers see FUEL AND ENERGY vol 19(2) (2007 Reissue) PARA 805 et seq.

17 Post Office Act 1969 s 7(1A)(cb) (s 7(1A) as added: see note 13 supra; and s 7(1A)(cb) added by the Electricity Act 1989 s 112(1), Sch 16 para 15). As to public electricity suppliers see FUEL AND ENERGY vol 19(2) (2007 Reissue) PARA 1094 et seq.

18 Post Office Act 1969 s 7(1A)(cc) (s 7(1A) as added: see note 13 supra; and s 7(1A)(cc) added by the Electricity (Northern Ireland) Order 1992, SI 1992/231 (NI 1), art 95(1), Sch 12 para 7).

19 Post Office Act 1969 s 7(1A)(cd) (s 7(1A) as added: see note 13 supra; and s 7(1A)(cd) added by the Gas (Northern Ireland) Order 1996, SI 1996/275 (NI 2), art 71(1), Sch 6).

20 Post Office Act 1969 s 7(1A)(d) (s 7(1A) as added: see note 13 supra).

21 Ibid s 7(1A)(e) (s 7(1A) as added: see note 13 supra).

22 Ibid s 7(1A)(f) (s 7(1A) as added: see note 13 supra; and s 7(1A)(f) (as added) further amended by the Transport Act 1985 s 139(2), (3), Sch 7 para 13(b), Sch 8).

23 Post Office Act 1969 s 7(1A) (as added: see note 13 supra).

24 See *ibid* s 7(2) (as amended); and PARA 20 post.

UPDATE

12-23 Constitution of the Post Office ... Contributions to international organisations

The Post Office is replaced by Consignia plc, a public company limited by shares which is wholly owned by the Crown: Postal Services Act 2000 s 62(1), (4). See further PARA 3.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/(ii) General Powers and Duties of the Post Office/19. Powers of the Post Office in relation to subsidiaries.

19. Powers of the Post Office in relation to subsidiaries.

The Post Office may make schemes for the reorganisation, amalgamation or dissolution of any of its wholly-owned subsidiaries¹ and for the transfer, between the Post Office and any such subsidiary or between one such subsidiary and another, of any specified property, rights and liabilities or of all property rights and liabilities comprised in a specified part of the transferor's undertaking². Such a scheme may contain such supplementary, incidental and consequential provisions as may appear to the Post Office to be necessary or expedient³.

A scheme does not come into force unless it has been approved by the Secretary of State⁴ or until such date as he may in giving his approval specify; and he may approve a scheme either with or without modifications or with such modifications as, after consultation with the Post Office, he thinks fit⁵.

The Post Office also has power to establish subsidiaries for the purposes of such schemes⁶. As regards any wholly-owned subsidiary the Post Office has the duty to exercise the rights conferred on it by the holding of its interest so as to secure that no person is elected chairman of the board of directors of the subsidiary except after consultation with the Secretary of State as to his suitability for election⁷. The Post Office, must also secure, notwithstanding anything in such subsidiary's memorandum or articles of association, that the subsidiary does not (except with the consent of, or in accordance with the terms of any general authority given by, the Secretary of State):

- (1) engage in any activity which the Post Office itself has no power to engage in or has power to engage in only with the consent of the Secretary of State⁸;

- (2) issue any of its shares, stock or debentures to a person other than: (a) the Post Office or another of its wholly-owned subsidiaries⁹; or (b) a person who is to hold them as a nominee of the Post Office or of one of its wholly-owned subsidiaries¹⁰;
- (3) transfer any interest of the subsidiary in another wholly-owned subsidiary of the Post Office to a person not within head (a) or (b) above¹¹.

As regards any wholly-owned subsidiary of the Post Office, the Post Office must secure that the subsidiary seeks consultation with any organisation appearing to the subsidiary to be appropriate with a view to the conclusion between it and that organisation of such agreements as appear to the parties to be desirable with respect to the establishment and maintenance of machinery for¹²:

- (i) the settlement of terms and conditions of employment of persons employed by the subsidiary¹³;
- (ii) the promotion and encouragement of measures affecting efficiency in the carrying on by the subsidiary of its activities, including, in particular, the promotion and encouragement of the training of persons employed by the subsidiary¹⁴; and
- (iii) the promotion and encouragement of measures affecting the safety, health and welfare of persons employed by the subsidiary¹⁵.

The Post Office must not, except with the consent of, or in accordance with a general authorisation given by the Secretary of State, transfer any of its interest in any wholly-owned subsidiary to a person other than another wholly-owned subsidiary or a person who is to hold it as a nominee of the Post Office or of a wholly-owned subsidiary¹⁶.

1 British Telecommunications Act 1981 s 60(1)(a). Any reference in the British Telecommunications Act 1981 to a subsidiary or wholly-owned subsidiary is to be construed in accordance with the Companies Act 1985 s 736 (as amended) (see COMPANIES vol 14 (2009) PARA 25); Post Office Act 1969 s 85(2) (substituted by the Companies Act 1989 s 144(4), Sch 18 para 25).

2 British Telecommunications Act 1981 s 60(1)(b). Without prejudice to the generality of s 60(2) (see the text and note 3 infra), a scheme under s 60(1)(b) which transfers to a subsidiary property, rights and liabilities comprised in a part of the transferor's undertaking concerned with the provision of services which, by virtue of Pt II (ss 59-78) (as amended), the Post Office has the exclusive privilege of providing may provide that such enactments relating to the provision of those services as may be specified in the scheme are to apply in relation to the subsidiary (but only so long as it remains a wholly-owned subsidiary of the Post Office) as it applies in relation to the Post Office: s 60(3). Notice of the coming into force of a scheme under s 60(1)(b) which contains such provision as mentioned in s 60(3) must be published by the Post Office, if the scheme relates in whole or in part to England and Wales, in the London Gazette: s 60(6)(a). Notice must be published in the Edinburgh Gazette if the scheme relates in whole or in part to Scotland (see s 60(6)(b)) and in the Belfast Gazette if the scheme relates in whole or in part to Northern Ireland (see s 60(6)(c)).

In the case of any scheme under s 60(1)(b) the property, rights and liabilities in question are transferred on the date of the coming into force of the scheme and, by virtue of the scheme, vest in accordance with it: see s 60(7), (8), Sch 2.

3 Ibid s 60(2).

4 As to the Secretary of State see PARA 1 note 6 ante.

5 British Telecommunications Act 1981 s 60(5).

6 Ibid s 60(4).

7 Ibid s 61(1).

8 Ibid s 61(2)(a).

9 Ibid s 66(2)(b)(i).

- 10 Ibid s 66(2)(b)(ii).
- 11 Ibid s 66(2)(c).
- 12 Ibid s 61(4).
- 13 Ibid s 61(4)(a).
- 14 Ibid s 61(4)(b).
- 15 Ibid s 61(4)(c).
- 16 Ibid s 61(3)(a), (b).

UPDATE

12-23 Constitution of the Post Office ... Contributions to international organisations

The Post Office is replaced by Consignia plc, a public company limited by shares which is wholly owned by the Crown: Postal Services Act 2000 s 62(1), (4). See further PARA 3.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/(ii) General Powers and Duties of the Post Office/20. Powers exercisable in connection with the general powers.

20. Powers exercisable in connection with the general powers.

For the purpose of securing the effective exercise of any of its general powers¹, or in connection with or in consequence of an exercise of any of them, the Post Office has power to do anything that appears to it to be requisite, advantageous or convenient to do, including, in particular, power²:

- (1) to construct, manufacture, produce, purchase, take on hire or hire purchase, install, maintain and repair anything required for the purposes of its business or of the business of one of its subsidiaries³;
- (2) to construct, manufacture, produce or purchase for supply to others any articles of a kind similar to any so required and to install, maintain, repair and test for others articles of such a kind⁴;
- (3) to provide others with the services of persons employed by it for the purpose of undertaking for them tasks of a kind which, in the course of the provision or performance by it of any service which it is empowered to provide or perform under its general powers⁵, are undertaken by persons so employed⁶;
- (4) to provide, for the benefit of others, consultancy and advisory services concerning anything that it does in exercise of its powers or has power to do and facilities for the training of persons for any purpose connected with any such thing⁷;
- (5) to enter into and carry out agreements with any person for the carrying on by that person, whether as its agent or otherwise, or by that person jointly with it, of any of the activities which it may itself carry on⁸; and, for the purpose of enabling a person with whom it has entered into such an agreement to carry it out, to give or lend money to him or give a guarantee for his benefit⁹;

- (6) to acquire land¹⁰ which is required by it for, or in connection with, the exercise of its powers or as to which it can reasonably be foreseen that it will be so required¹¹;
- (7) to dispose, whether absolutely or for a term of years, of any part of its undertaking or any property which, in its opinion, is not so required by it, and, in particular, to dispose of an interest in or right over any property which, subject to the interest or right, is retained by it¹²;
- (8) for the purposes of its business, to subscribe for or acquire any securities of an incorporated company or other body corporate, to procure its admission to membership of an incorporated company limited by guarantee and not having a share capital, to promote, or participate in the promotion of, an incorporated company or to acquire an undertaking or part of an undertaking¹³;
- (9) for the purposes of its business, to give or lend money to, or give a guarantee for the benefit of, any person (other than a person with whom it has entered into an agreement by virtue of head (5) above) for the purposes of an undertaking carried on by him or, where that person is a body corporate, by its subsidiary¹⁴;
- (10) to do anything for the purpose of advancing the skill of persons employed by it or of persons who, although not so employed, are engaging themselves, or contemplate engaging themselves, in work of such a kind that it has or may have a direct or indirect concern in the products of that work¹⁵;
- (11) to promote research, either by itself or by others, into matters which affect, or arise out of, the carrying on of its business, or into other matters if it appears to it that advantage will or may accrue to it as a consequence of research into such other matters¹⁶;
- (12) to promote the doing of such work as is requisite to enable there to be turned to account the results of research, whether promoted by it or not, into matters affecting or arising out of the carrying on of its business¹⁷, or the results of research promoted by it into other matters¹⁸;
- (13) to provide assistance, including financial assistance, to any institution or body any of whose activities are such as, in its opinion, to be of benefit to it¹⁹;
- (14) to carry passengers for hire or reward in vehicles used by it for the purposes of its business²⁰;
- (15) to enter into and carry out agreements with persons who carry on business as carriers of goods for the carriage by it on their behalf of goods consigned to them for carriage by them²¹;
- (16) to provide houses, hostels and other like accommodation for persons engaged in its business²²;
- (17) to make loans to persons employed by it (including, in particular, loans to assist them to acquire housing accommodation) and to guarantee loans made to persons so employed, including, in particular, loans made by building societies and other bodies for housing purposes²³; and
- (18) to promote recreational activities for, and activities conducing to the welfare of, persons who are or have been engaged in its business or have been officers, servants or agents of the Postmaster General, and their families, and to assist the promotion by others of such activities²⁴.

The Post Office may turn its resources to account so far as not required for the purposes of its business²⁵.

1 le under the Post Office Act 1969 s 7(1) (as amended): see PARA 18 ante.

2 Ibid s 7(2) (amended by the British Telecommunications Act 1981 s 87, Sch 3 Pt II para 51(1)).

3 Post Office Act 1969 s 7(2)(a). For the meaning of 'subsidiary' see PARA 13 note 3 ante. For a restriction on this power see the British Telecommunications Act 1981 s 63(1); and PARA 34 post.

4 Post Office Act 1969 s 7(2)(b). For a restriction on the exercise of this power see the British Telecommunication Act 1981 s 63(2); and PARA 34 post.

5 Ie under the Post Office Act 1969 s 7(1) (as amended): see PARA 18 ante.

6 Ibid s 7(2)(c) (amended by the British Telecommunications Act 1981 Sch 3 Pt II para 57(1)).

7 Post Office Act 1969 s 7(2)(d).

8 Ibid s 7(2)(e).

9 Ibid s 7(2)(i).

10 'Land' includes any interest in land and any right over land: ibid s 86(1).

11 Ibid s 7(2)(f). As to the purchase of land by agreement see PARA 68 post; and as to powers of compulsory purchase see PARA 69 post.

12 Ibid s 7(2)(g). As to the sale of land see PARA 73 post.

13 Ibid s 7(2)(h).

14 Ibid s 7(2)(i).

15 Ibid s 7(2)(j).

16 Ibid s 7(2)(k).

17 Ibid s 7(2)(l)(i).

18 Ibid s 7(2)(l)(ii).

19 Ibid s 7(2)(m).

20 Ibid s 7(2)(n).

21 Ibid s 7(2)(o).

22 Ibid s 7(2)(p).

23 Ibid s 7(2)(q).

24 Ibid s 7(2)(r).

25 Ibid s 7(2).

UPDATE

12-23 Constitution of the Post Office ... Contributions to international organisations

The Post Office is replaced by Consignia plc, a public company limited by shares which is wholly owned by the Crown: Postal Services Act 2000 s 62(1), (4). See further PARA 3.

21. Overseas aid.

The Post Office is empowered to furnish any authority or person outside the United Kingdom¹ with assistance, whether financial, technical or of any other nature, if, in its opinion, the consequences of doing so will enure for its benefit².

- 1 For the meaning of 'United Kingdom' see PARA 18 note 1 ante.
- 2 Post Office Act 1969 s 8(a).

UPDATE

12-23 Constitution of the Post Office ... Contributions to international organisations

The Post Office is replaced by Consignia plc, a public company limited by shares which is wholly owned by the Crown: Postal Services Act 2000 s 62(1), (4). See further PARA 3.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/(ii) General Powers and Duties of the Post Office/22. Power to promote and oppose bills.

22. Power to promote and oppose bills.

With the consent of the Secretary of State¹, the Post Office may promote, and, without such consent, may oppose bills in Parliament and orders under the Private Legislation Procedure (Scotland) Act 1936².

- 1 As to the Secretary of State see PARA 1 note 6 ante.
- 2 Post Office Act 1969 s 10 (amended by virtue of the Ministry of Posts and Telecommunications (Dissolution) Order 1974, SI 1974/691, arts 2, 3(3)). See PARLIAMENT vol 34 (Reissue) PARAS 928-938.

UPDATE

12-23 Constitution of the Post Office ... Contributions to international organisations

The Post Office is replaced by Consignia plc, a public company limited by shares which is wholly owned by the Crown: Postal Services Act 2000 s 62(1), (4). See further PARA 3.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/(ii) General Powers and Duties of the Post Office/23. Contributions to international organisations.

23. Contributions to international organisations.

The Post Office may reimburse the Secretary of State¹ the whole or any part of a contribution made by him towards the expenses of an international organisation of which the United Kingdom government is a member and which is concerned with activities which the Post Office has power to carry on².

1 As to the Secretary of State see 1 note 6 ante.

2 Post Office Act 1969 s 73 (amended by virtue of the Ministry of Posts and Telecommunications (Dissolution) Order 1974, SI 1974/691, arts 2, 3(3)). As to the powers of the Post Office see PARA 18 et seq ante.

UPDATE

12-23 Constitution of the Post Office ... Contributions to international organisations

The Post Office is replaced by Consignia plc, a public company limited by shares which is wholly owned by the Crown: Postal Services Act 2000 s 62(1), (4). See further PARA 3.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/(iii) General Duty of the Post Office to Provide Letter Post Services/24. Provision of universal postal service.

(iii) General Duty of the Post Office to Provide Letter Post Services

24. Provision of universal postal service.

It is the duty of the Post Office, consistently with any directions given to it by the Secretary of State¹ under his statutory powers², so to exercise its powers as to provide a universal postal service throughout the United Kingdom³ except in so far as: (1) any part of such a service is provided by other persons; or (2) the provision of any part of such a service is, in its opinion, impracticable or not reasonably practical⁴. For these purposes, a universal postal service is provided if:

- (a) at least one delivery of postal packets⁵ is made every working day⁶ to each postal address in the United Kingdom⁷;
- (b) at least one collection of postal packets is made every working day from each collection point designated by the Post Office⁸;
- (c) postal services for the collection, sorting, transport and delivery of postal packets whose weight does not exceed 20 kilograms and whose dimensions fall within the permitted limits⁹ are provided at affordable prices determined in accordance with a public tariff which is uniform throughout the United Kingdom¹⁰;
- (d) a registered post service is provided at such prices¹¹.

It is also the duty of the Post Office, in exercising its powers, to have regard to:

- (i) efficiency and economy¹²;
- (ii) the social, industrial and commercial needs of the United Kingdom with respect to matters that are sub-served by its powers¹³;

- (iii) the desirability of improving and delivering its operating systems¹⁴; and
- (iv) developments in the field of communications and banking¹⁵.

The Post Office is not precluded¹⁶ from interrupting, suspending or restricting, in cases of emergency, any service provided by it or from concluding with customers individual agreements as to prices¹⁷. These provisions do not impose upon the Post Office, either directly or indirectly, any form of duty or liability enforceable by proceedings before any court¹⁸.

The Post Office is not to be regarded as a common carrier in respect of any of its activities¹⁹.

1 As to the Secretary of State see PARA 1 note 6 ante

2 Ie under the Post Office Act 1969 Pt III (ss 6-88) (as amended) and under the British Telecommunications Act 1969 Pt II (ss 59-78) (as amended).

3 For the meaning of 'United Kingdom' see PARA 18 note 1 ante.

4 British Telecommunications Act 1981 s 59(1) (substituted by the Postal Services Regulations 1999, SI 1999/2107, reg 4(1)).

5 'Postal packet' means a letter, parcel, packet or other article transmissible by post: British Telecommunications Act 1981 s 59(6) (added by the Postal Services Regulations 1999, SI 1999/2107, reg 4(3)). Letter has the same meaning as in the British Telecommunications Act 1981 s 66: British Telecommunications Act 1981 s 59(6) (as so added).

6 'Working day' means (1) in relation to the collection and delivery of letters, any day which is not a Sunday or a public holiday; (2) in relation to the collection and delivery of postal packets other than letters, any day which is not a Saturday, a Sunday or a public holiday: ibid s 59(6) (as added: see note 5 supra). 'Public holiday' means Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom: British Telecommunications Act 1981 s 59(6) (as so added).

7 Ibid s 59(1A)(a) (s 59(1A) added by the Postal Services Regulations 1999, SI 1999/2107, reg 4(1)). 'Postal address' means any address recognised by the Post Office as being an identifiable point for delivery of postal packets: British Telecommunications Act 1981 s 59(6) (as added: see note 5 supra).

8 Ibid s 59(1A)(b) (as added: see note 7 supra).

9 'Permitted limits', in relation to the dimensions of a postal packet, means the minimum and maximum dimensions laid down in the Universal Postal Union Convention and the Agreement concerning Postal Parcels adopted by the Universal Postal Union: British Telecommunications Act 1981 s 59(6) (as added: see note 5 supra).

10 Ibid s 59(1A)(c) (as added: see note 7 supra).

11 Ibid s 59(1A)(d) (as added: see note 7 supra). 'Registered post service' means a service which provides for the registration of postal packets and for the payment of compensation for any loss or damage: s 59(6) (as added: see note 5 supra).

12 Ibid s 59(2)(a).

13 Ibid s 59(2)(b).

14 Ibid s 59(2)(c).

15 Ibid s 59(2)(d).

16 Ie by ibid s 59(1) (as substituted): see the text and notes 1-4 supra.

17 Ibid s 59(3) (substituted by the Postal Services Regulations 1999, SI 1999/2107, reg 4(2)).

18 British Telecommunications Act 1981 s 59(4).

19 Post Office Act 1969 s 7(4). As to common carriers see CARRIAGE AND CARRIERS vol 7 (2008) PARAS 1, 3 et seq.

UPDATE**24 Provision of universal postal service**

TEXT AND NOTES--Replaced.

The Postal Services Commission¹ must exercise its functions in the manner which it considers is best calculated to ensure the provision of a universal postal service². A universal postal service is provided if (1) except in such geographical conditions or other circumstances as the Commission considers to be exceptional, at least one delivery of relevant postal packets³ is made every working day⁴ to the home or premises of every individual or other person in the United Kingdom or to such identifiable points for the delivery of relevant postal packets as the Commission may approve, and at least one collection of relevant postal packets is made every working day from each access point⁵; (2) a service of conveying relevant postal packets from one place to another by post and the incidental services of receiving, collecting, sorting and delivering such packets are provided at affordable prices determined in accordance with a public tariff which is uniform throughout the United Kingdom; and (3) a registered post service⁶ is provided at such prices⁷.

The Commission may impose as a condition of a licence⁸ a requirement that the licence holder provides a universal postal service or part of such a service⁹. Where the Commission has imposed such a condition, it may include in the licence such conditions and other provisions as it considers appropriate in relation to the provision of such a service, including conditions and other provisions about activities which do not require a licence¹⁰. The Secretary of State may direct the Commission to impose, as a condition of a licence requiring the person holding it to provide a universal postal service or part of such a service, a requirement that the licence holder provide such free postal services as may be specified in the direction to such descriptions of blind or partially sighted persons as may be so specified¹¹.

1 See PARA 10.

2 Postal Services Act 2000 s 3(1).

3 'Relevant postal packets' means postal packets whose weight does not exceed 20kg and whose dimensions fall within permitted limits laid down in the Convention and the Agreement concerning Postal Parcels adopted by the Universal Postal Union (see PARA 11): ibid s 4(7). 'Postal packet' means a letter, parcel, packet or other article transmissible by post, and 'letter' means any communication in written form on any kind of physical medium to be conveyed and delivered otherwise than electronically (ie, otherwise than by means of a telecommunication system (within the meaning of the Telecommunications Act 1984), or by other means but while in electronic form) to the person or address indicated by the sender (ie, the person whose communication it is) on the item itself or on its wrapping, excluding any book, catalogue, newspaper or periodical; and includes a postal packet containing any such communication: 2000 Act s 125(1), (2).

4 'Working day' means, in relation to the collection and delivery of letters, any day which is not a Sunday or a public holiday, and in relation to the collection and delivery of postal packets other than letters, any day which is not a Saturday, a Sunday or a public holiday: ibid s 125(1). 'Public holiday' means Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom: s 125(1).

5 'Access point' means any box, receptacle or other facility provided by a universal service provider for the purpose of receiving relevant postal packets, or any class of relevant postal packets, for onwards transmission in connection with the provision of a universal postal service: ibid s 4(7). References in the Postal Services Act 2000 to a universal service provider are construed as references to any person whose identity is notified by the Secretary of State to the European Commission in accordance with European Parliament and Council Directive 97/67 (on common rules for the development of the internal market of Community postal services and the implementation of quality

of service) ('the Postal Services Directive') art 4 (see PARA 6) as that of a person providing a universal postal service or a part of such a service in the United Kingdom, and on whom the Secretary of State has served a written notice informing him of that fact and the fact that he will be treated as a universal service provider: Postal Services Act 2000 s 4(3). If there is no Community obligation to so notify the European Commission, such references to a universal service provider are construed as references to any person who is treated by the Secretary of State as a universal service provider and on whom the Secretary of State has served a written notice informing him of that fact: s 4(4). The Secretary of State must take such steps as he considers appropriate for the purpose of bringing to the attention of the public the identity of any person who is a universal service provider: s 4(5). References in the Postal Services Act 2000 to the provision of a universal postal service are, in relation to a universal service provider who provides part of a universal postal service, construed as references to the provision of that part of such a service: s 4(6).

6 'Registered post service' means a postal service which provides for the registration of postal packets in connection with their transmission by post and for the payment of compensation for any loss or damage: ibid s 125(1).

7 Ibid s 4(1).

8 Ie, a licence issued under ibid Pt II (ss 6-41): see PARA 80.

9 Ibid s 3(2).

10 Ibid s 3(3).

11 Ibid s 41(1), (4). The requirement does not come into force unless the Secretary of State directs the Commission to bring it into force, and the Commission gives notice of the direction to the licence holder: s 41(2). The Secretary of State must consult the Commission and the National Consumer Council (see PARA 43-51) before giving any such direction: s 41(3).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/(iv) Powers of the Secretary of State over the Post Office/25. Power of the Secretary of State to give general directions.

(iv) Powers of the Secretary of State over the Post Office

25. Power of the Secretary of State to give general directions.

The Post Office must give effect to any direction given to it by the Secretary of State¹ and must secure, so far as appropriate, that each of its wholly-owned subsidiaries also gives effect to any such direction². After consultation with the Post Office, the Secretary of State may give to it such directions of a general character as to the exercise by it of its powers as appear to him to be requisite in the national interest³. If it appears to him that there is a defect in the general plans or arrangements of the Post Office for exercising any of its powers, then, after consultation with it, he may give it directions of a general character for remedying the defect⁴.

1 Ie given to it by the Secretary of State under the Post Office Act 1969 Pt III (ss 6-88) (as amended) and under the British Telecommunications Act 1969 Pt II (ss 59-78) (as amended). As to the Secretary of State see PARA 1 note 6 ante.

2 Post Office Act 1969 s 11(1) (substituted by the British Telecommunications Act 1981 ss 62, 89, Sch 6 Pt II). For the meaning of 'subsidiary' see PARA 13 note 3 ante.

3 Post Office Act 1969 s 11(1A) (added by the British Telecommunications Act 1981 ss 62, 89, Sch 6 Pt II).

4 Post Office Act 1969 s 11(2).

UPDATE

25 Power of the Secretary of State to give general directions

TEXT AND NOTES--1969 Act s 11(1A), (2) repealed (Postal Services Act 2000 Sch 9) and not replaced.

TEXT AND NOTES 1, 2--1969 Act s 11(1) now 2000 Act s 123(1) which refers to a person instead of to the Post Office and its subsidiaries.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/(iv) Powers of the Secretary of State over the Post Office/26. Directions as to schemes for the redistribution of property etc among wholly-owned subsidiaries.

26. Directions as to schemes for the redistribution of property etc among wholly-owned subsidiaries.

The Secretary of State¹ may, after consultation with the Post Office, direct it to make a scheme for the redistribution of property, rights and liabilities between it and a wholly-owned subsidiary or between one such subsidiary and another², or to establish subsidiaries for such redistribution³, for such purposes and in such manner as may be specified in the direction⁴. He may also, after consultation with the Post Office, direct it to dispose of any part of its undertaking or any assets held by it or to exercise its control over any of its wholly-owned subsidiaries so as to cause the subsidiary to dispose of any part of its undertaking or any assets held by it⁵.

The Secretary of State must lay before each House of Parliament a copy of every such direction⁶ unless he is of the opinion that disclosure of the direction is against the interests of national security⁷ or the commercial interests of any person⁸.

1 As to the Secretary of State see PARA 1 note 6 ante.

2 Ie under the British Telecommunications Act 1981 s 60(1): see PARA 19 ante. For the meaning of 'subsidiary' see PARA 13 note 3 ante.

3 Ie under ibid s 60(4): see PARA 19 ante.

4 Post Office Act 1969 s 11(5)(a) (s 11(5) substituted, and s 11(5A) added, by the British Telecommunications Act 1981 ss 62, 89, Sch 6 Pt II).

5 Post Office Act 1969 s 11(5)(b) (as substituted: see note 4 supra). However, the Secretary of State may not give any direction under s 11(5)(b) (as substituted) unless he is satisfied that he will not thereby impede or prevent the proper discharge of the Post Office's duty under the British Telecommunications Act 1981 s 59(1) (as amended) (see PARA 24 ante): Post Office Act s 11(5) (as so substituted).

6 Ie any direction given under ibid s 11(5) (as substituted).

7 Ibid s 11(5A)(a) (as added: see note 4 supra).

8 Ibid s 11(5A)(b) (as added: see note 4 supra).

UPDATE

26 Directions as to schemes for the redistribution of property etc among wholly-owned subsidiaries

TEXT AND NOTES--1969 Act s 11(5), (5A) repealed: Postal Services Act 2000 Sch 9.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/(iv) Powers of the Secretary of State over the Post Office/27. Directions in the interests of national security or international relations.

27. Directions in the interests of national security or international relations.

Without prejudice to the general provisions¹, if it appears to the Secretary of State² to be requisite or expedient so to do in the interests of national security or relations with the government of a country or territory outside the British Islands³, he may, after consultation with the Post Office, give to it directions requiring it (according to the circumstances of the case) to secure that a particular thing that it or one of its subsidiaries⁴ is doing is no longer done or that a particular thing that it has power to do, but is not being done either by it or by a subsidiary of it, is so done⁵.

Such directions may also be given by the Secretary of State, after consultation with the Post Office, if it appears to him to be requisite or expedient so to do in order to (1) discharge or facilitate the discharge of an obligation binding on the United Kingdom⁶ government by virtue of its being a member of an international organisation or a party to an international agreement⁷; (2) attain or facilitate the attainment of any other object the attainment of which is, in his opinion, requisite or expedient in view of the United Kingdom government being a member of such an organisation or a party to such an agreement⁸; or (3) enable the United Kingdom government to become a member of such an organisation or a party to such an agreement⁹.

1 le the provisions of the Post Office Act 1969 s 11(1), (2) (as amended): see PARA 25 ante.

2 As to the Secretary of State see PARA 1 note 6 ante.

3 For the meaning of 'British Islands' see PARA 18 note 1 ante.

4 For the meaning of 'subsidiary' see PARA 13 note 3 ante.

5 Post Office Act 1969 s 11(3)(a) (s 11(3) amended by virtue of the Ministry of Posts and Telecommunications (Dissolution) Order 1974, SI 1974/691, arts 2, 3(3)).

6 For the meaning of 'United Kingdom' see PARA 18 note 1 ante.

7 Post Office Act 1969 s 11(3)(b)(i) (as amended: see note 5 supra).

8 Ibid s 11(3)(b)(ii) (as amended: see note 5 supra).

9 Ibid s 11(3)(b)(iii) (as amended: see note 5 supra).

UPDATE

27 Directions in the interests of national security or international relations

TEXT AND NOTES--1969 Act s 11(3) now Postal Services Act 2000 s 101(1), (2), (5) which refers to the Postal Service Commission (see PARA 10) instead of to the Post Office.

Such directions may also be given to licence holders (see PARA 80) after consultation with the licence holder concerned: s 101(3), (4), (6). The Secretary of State must send a copy of any such direction to the Postal Services Commission, and must lay a copy of it before each House of Parliament unless he is of the opinion that the disclosure of the direction is against the interests of national security or the interests of the United Kingdom's relations with another country or territory or against the commercial interests of any person who has not consented to the disclosure: s 101(7), (8).

NOTE 5--1969 Act s 11(3)(a) now Postal Services Act 2000 s 101(1)(a), (2), (5).

NOTES 7-9--Now ibid s 101(1)(b).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/(iv) Powers of the Secretary of State over the Post Office/28. Undue preference or discrimination.

28. Undue preference or discrimination.

If it appears to the Secretary of State¹ that the Post Office or any wholly-owned subsidiary² of it is showing undue preference to, or is exercising undue discrimination against, any person or persons of any class or description in the charges or other terms and conditions applicable to services provided by it which it has the exclusive privilege³ of providing, then, after consultation with the Post Office, he may give it such directions as appear to him requisite to secure that the Post Office or its subsidiary ceases to do so⁴.

1 As to the Secretary of State see PARA 1 note 6 ante.

2 For the meaning of 'wholly-owned subsidiary' see PARA 13 note 3 ante.

3 As to the exclusive privilege of the Post Office see PARA 2 ante; and as to the exclusive privilege of conveying letters see PARA 78 et seq post.

4 Post Office Act 1969 s 11(4) (amended by the British Telecommunications Act 1981 ss 62, 89, Sch 6 Pt II; and by virtue of the Ministry of Posts and Telecommunications (Dissolution) Order 1974, SI 1974/691, arts 2, 3(3)).

UPDATE

28 Undue preference or discrimination

TEXT AND NOTES--1969 Act s 11(4) repealed: Postal Services Act 2000 Sch 9.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/(iv) Powers of the Secretary of State over the Post Office/29. Compliance with directions and prohibition of disclosure.

29. Compliance with directions and prohibition of disclosure.

The Post Office must not disclose any directions given to it¹ if the Secretary of State² notifies it that he is of opinion that it is against the interests of national security or the commercial interests of a person other than the Post Office and its wholly-owned subsidiaries³.

1 Le under any of the provisions contained in the Post Office Act 1969 s 11(1)-(5A) (as amended): see PARA 25 et seq ante.

2 As to the Secretary of State see PARA 1 note 6 ante.

3 Post Office Act 1969 s 11(6) (amended by the British Telecommunications Act 1981 ss 62, 89, Sch 6 Pt II; and by virtue of the Ministry of Posts and Telecommunications (Dissolution) Order 1974, SI 1974/691, arts 2, 3(3)). For the meaning of 'wholly-owned subsidiary' see PARA 13 note 3 ante.

UPDATE

29 Compliance with directions and prohibition of disclosure

TEXT AND NOTE 3--1969 Act s 11(6) now Postal Services Act 2000 s 101(9) which refers to 'a person' instead of to 'the Post Office'.

A person who, without reasonable excuse, contravenes a direction under s 101 (see also PARAS 25, 27), or makes a disclosure in contravention of s 101(9), commits an offence and is liable, on summary conviction, to a fine not exceeding the statutory maximum, or on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both: s 101(10), (11).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/(iv) Powers of the Secretary of State over the Post Office/30. Approval of general programme of development.

30. Approval of general programme of development.

In carrying out any work of development involving substantial outlay on capital account, and in securing the carrying out of any such work by any subsidiaries¹ it may have, the Post Office must act in accordance with a general programme settled from time to time with the approval of the Secretary of State².

1 For the meaning of 'subsidiary' see PARA 13 note 3 ante.

2 Post Office Act 1969 s 11(8) (amended by virtue of the Ministry of Posts and Telecommunications (Dissolution) Order 1974, SI 1974/691, arts 2, 3(3)). As to the Secretary of State see PARA 1 note 6 ante.

UPDATE

30 Approval of general programme of development

TEXT AND NOTES--1969 Act s 11(8) repealed: Postal Services Act 2000 Sch 9.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/(iv) Powers of the Secretary of State over the Post Office/31. Obligation to furnish information.

31. Obligation to furnish information.

The Post Office, in such manner and at such times as the Secretary of State¹ may specify in writing to it, must furnish him with such information as he may so specify, and as the Post Office has or can reasonably be expected to obtain, with respect to such matters relating to the Post Office or its subsidiaries² or the activities (past, present or future), plans or properties of any of them as the Secretary of State may so specify³.

1 As to the Secretary of State see PARA 1 note 6 ante.

2 For the meaning of 'subsidiary' see PARA 13 note 3 ante.

3 Post Office Act 1969 s 11(9) (substituted by the British Telecommunications Act 1981 ss 62, 89, Sch 6 Pt II).

UPDATE

31 Obligation to furnish information

TEXT AND NOTES--Replaced.

If information was obtained by virtue of the Postal Services Act 2000¹, and it relates to the affairs of an individual or to a particular business, and it is not certain information² obtained by the National Consumer Council³, the information must not be disclosed during the lifetime of the individual or so long as the business is carried on, unless the disclosure is made⁴:

- (1) with the consent of the individual or the person for the time being carrying on the business⁵;
- (2) for the purpose of facilitating the carrying out by the Secretary of State, the Treasury, the Postal Services Commission, the Competition Commission or the National Consumer Council of any of his or their functions⁶;
- (3) for the purpose of facilitating the carrying out by a specified person or body⁷ of any of his or its functions under specified enactments or instruments⁸;
- (4) for the purpose of enabling or assisting the Secretary of State, the Treasury, the Department for Enterprise, Trade and Investment in Northern Ireland or the Department of Finance and Personnel in Northern Ireland to exercise any powers conferred by the Financial Services and Markets Act 2000 or by the enactments relating to companies, insurance companies or insolvency⁹;
- (5) for the purpose of enabling or assisting an inspector appointed under the enactments relating to companies to carry out his functions¹⁰;
- (6) for the purpose of enabling or assisting an official receiver to carry out his functions under the enactments relating to insolvency or for the purpose of enabling or assisting a recognised professional body to carry out its functions¹¹;
- (7) for the purpose of facilitating the carrying out by the Health and Safety Executive or the Health and Safety Executive for Northern Ireland of

any of its functions under any enactment or of facilitating the carrying out by any enforcing authority of any functions under a relevant statutory provision¹²;

(8) for the purpose of facilitating the carrying out by the Comptroller and Auditor General, or the Comptroller and Auditor General for Northern Ireland, of any of his functions under any enactment¹³;

(9) in connection with the investigation of any criminal offence or for the purposes of any criminal proceedings¹⁴;

(10) for the purposes of any civil proceedings brought under the Postal Services Act 2000 or under any specified enactment or instrument¹⁵;

(11) in pursuance of a Community obligation¹⁶;

(12) by the Secretary of State, or with his consent, to an international organisation of which the United Kingdom is a member¹⁷;

(13) in connection with negotiations conducted by officers of the Secretary of State with representatives of the government of a country or territory outside the United Kingdom¹⁸;

(14) in connection with the discharge of an obligation of the United Kingdom under international arrangements¹⁹;

(15) for the purpose of making information available to the public by being disclosed in circumstances in which, or for a purpose for which, disclosure is not precluded by the foregoing provisions²⁰.

Without prejudice to heads (1)-(15) above, there is no limit on the information which may be (a) included in, or made public as a part of, a report on a reference by the Postal Services Commission to the Competition Commission²¹; (b) included in, or made public as part of, the annual reports of the Postal Services Commission²²; or (c) published by the Postal Services Commission²³.

A person commits an offence if he discloses information in contravention of the above provisions; and such a person is liable, on summary conviction, to a fine not exceeding the statutory maximum, on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both²⁴.

1 le other than by virtue of the Postal Services Act 2000 ss 82 (see PARA 55A), 118 (see PARA 43-51).

2 le within the Consumers, Estate Agents and Redress Act 2007 s 29(3) (application of disclosure regime in the Enterprise Act 2002 Pt 9 (ss 237-247) (see COMPETITION vol 18 (2009) PARAS 326-335) to information).

3 As to the Council see PARA 43-51.

4 Postal Services Act 2000 s 119, Sch 7 para 1 (amended by Consumers, Estate Agents and Redress Act 2007 Sch 7 para 16(2)).

5 Postal Services Act 2000 Sch 7 para 2.

6 Ibid Sch 7 para 3(1)(a).

7 The persons and bodies are (1) any minister of the Crown; (2) any Northern Ireland department; (3) any Northern Ireland minister; (4) the Office of Fair Trading; (5) the Competition Commission; (6) the Office of Communications; (7) the Independent Television Commission; (8) the Director General of Gas for Northern Ireland; (9) the Director General of Water Services; (10) the Water Appeals Commission for Northern Ireland; (11) the Director General of Electricity Supply for Northern Ireland; (12) the Coal Authority; (13) the Civil Aviation Authority; (14) the Office of Rail Regulation; (15) the Insolvency Practitioners Tribunal; (16) a local weights and measures authority in Great Britain; (17) the Financial Services Authority; (18) the Gas and Electricity Markets Authority; (19) the National Consumer Council: ibid Sch 7 para 3(2) (amended by Enterprise Act 2002 Sch 25

para 42(7); Communications Act 2003 Sch 17 para 162; Railways and Transport Safety Act 2003 Sch 2 para 19; Consumers, Estate Agents and Redress Act 2007 Sch 7 para 16(3)(a); and SI 2001/3617).

8 Postal Services Act 2000 Sch 7 para 3(1)(b). The enactments and instruments are (1) the Industrial and Provident Societies Act 1965; (2) the Industrial and Provident Societies Act 1967; (3) the Trade Descriptions Act 1968; (4) the Friendly and Industrial and Provident Societies Act 1968; (5) the Fair Trading Act 1973; (6) the Consumer Credit Act 1974; (7) the Friendly Societies Act 1974; (8) the Industrial and Provident Societies Act 1975; (9) the Industrial and Provident Societies Act 1978; (10) the Estate Agents Act 1979; (11) the Credit Unions Act 1979; (12) the Competition Act 1980; (13) the Telecommunications Act 1984; (14) the Airports Act 1986; (15) the Gas Act 1986; (16) the Insolvency Act 1986; (17) the Building Societies Act 1986; (18) the Consumer Protection Act 1987; (19) the Electricity Act 1989; (20) the Broadcasting Act 1990; (21) the Property Misdescriptions Act 1991; (22) the Water Industry Act 1991; (23) the Water Resources Act 1991; (24) the Friendly Societies Act 1992; (25) the Railways Act 1993; (26) the Coal Industry Act 1994; (27) the Broadcasting Act 1996; (28) the Competition Act 1998; (29) the Financial Services and Markets Act 2000; (30) the Regulation of Investigatory Powers Act 2000; (31) the Utilities Act 2000; (32) the Transport Act 2000 Pt I (ss 108-162; (33) the Insolvency Act 2000; (34) the Enterprise Act 2002; (33b) the Communications Act 2003; (33c) the Railways Act 2005; (35) the Water and Sewerage Services (Northern Ireland) Order 1973, SI 1973/70; (36) the Audit (Northern Ireland) Order 1987, SI 1987/460; (37) the Consumer Protection (Northern Ireland) Order 1987, SI 1987/2049 (amended by Enterprise Act 2002 Sch 25 para 17; and SI 2001/3649, SI 2003/1400); (38) the Insolvency (Northern Ireland) Order 1989, SI 1989/2405; (39) the Electricity (Northern Ireland) Order 1992, SI 1992/231 (amended by Enterprise Act 2002 Sch 25 para 28; and SI 2003/1400, SI 2008/948, SI 2009/1941); (40) the Airports (Northern Ireland) Order 1994, SI 1994/426, Pt IV; (41) the Gas (Northern Ireland) Order 1996, SI 1996/275 (amended by Enterprise Act 2002 Sch 25 para 36; SI 2003/1400); (42) the Water (Northern Ireland) Order 1999, SI 1999/662; (43) any subordinate legislation made for the purpose of securing compliance with European Parliament and EC Council Directive 2005/29 concerning unfair business-to-consumer commercial practices in the internal market; (44) any subordinate legislation made for the purpose of securing compliance with European Parliament and EC Council Directive 2006/114 concerning misleading and comparative advertising; (45) the Consumers, Estate Agents and Redress Act 2007: Postal Services Act 2000 Sch 7 para 3(3) (substituted by SI 2001/3617; and amended by Enterprise Act 2002 Sch 25 para 42(7); Communications Act 2003 Sch 17 para 162; Railways Act 2005 Sch 12 para 15; Consumers, Estate Agents and Redress Act 2007 Sch 7 para 16(3)(b); SI 2007/1846; and SI 2008/1277).

9 Postal Services Act 2000 Sch 7 para 3(1)(c) (amended by SI 2001/3617).

10 Postal Services Act 2000 Sch 7 para 3(1)(d).

11 Ibid Sch 7 para 3(1)(e).

12 Ibid Sch 7 para 3(1)(f), (g) (Sch 7 para 3(1)(f) amended by SI 2008/960).

13 Postal Services Act 2000 Sch 7 para 3(1)(h).

14 Ibid Sch 7 para 3(1)(i).

15 Ibid Sch 7 para 3(1)(j). As to the specified enactments or instruments see NOTE 8.

16 Ibid Sch 7 para 3(1)(k).

17 Ibid Sch 7 para 3(1)(l).

18 Ibid Sch 7 para 3(1)(m).

19 Ibid Sch 7 para 3(1)(n).

20 Ibid Sch 7 para 5(3).

21 As to such references see *ibid* s 15; and PARA 80.3.

22 See *ibid* s 46; and PARA 10D.

23 Ibid Sch 7 para 5(1) (amended by Consumers, Estate Agents and Redress Act 2007 Sch 7 para 16(4)).

24 Postal Services Act 2000 Sch 7 para 6.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/(iv) Powers of the Secretary of State over the Post Office/32. Annual report.

32. Annual report.

As soon as possible after the end of each accounting year¹, the Post Office must make to the Secretary of State² a report on the exercise and performance by it and its subsidiaries³ of its and their functions during that year⁴. The report must include such particulars as, after consultation with the Post Office and with the approval of the Treasury, he may direct with respect to its activities and those of its subsidiaries, so far as such activities consist in the construction, manufacture or production of articles in that year⁵. The report must set out any directions given to the Post Office by the Secretary of State in that year under his statutory powers⁶, except such as were the subject of notification by him prohibiting disclosure⁷. The Secretary of State must lay a copy of every such report before each House of Parliament⁸.

1 'Accounting year' means, subject to the British Telecommunications Act 1981 s 75(5), the period beginning with the appointed day (ie 1 October 1969: see the Post Office Act 1969 s 1(1) (repealed); and the Post Office Act 1969 (Appointed Day) Order 1969, SI 1969/1066) and ending with 31 March next following or any subsequent period of twelve months beginning with the end of a previous accounting year: Post Office Act 1969 s 86(1) (definition amended by the British Telecommunications Act 1981 s 87, Sch 3 para 51). If the Secretary of State after consultation with the Post Office so directs in relation to an accounting year of the Post Office, that accounting year is to end on such date as may be specified in the direction (whether before or after the date on which it would otherwise end): British Telecommunications Act 1981 s 75(5).

2 As to the Secretary of State see PARA 1 note 6 ante.

3 For the meaning of 'subsidiary' see PARA 13 note 3 ante.

4 Post Office Act 1969 s 11(10) (s 11(10), (11) amended the British Telecommunications Act 1981 ss 62, 89, Sch 6 Pt II; and by virtue of the Ministry of Posts and Telecommunications (Dissolution) Order 1974, SI 1974/691, arts 2, 3(3)).

5 Post Office Act 1969 s 11(10) (as amended: see note 4 supra). As to restrictions on such activities see PARAS 34-35 post.

6 Ie those conferred by ibid Pt III (ss 6-88) (as amended) or the British Telecommunications Act 1981 Pt II (ss 59-78) (as amended).

7 Post Office Act 1969 s 11(11) (as amended: see note 4 supra). As to such directions see s 11(6) (as amended); and PARA 29 ante.

8 Ibid s 11(10) (as amended: see note 4 supra).

UPDATE

32 Annual report

TEXT AND NOTES--1969 Act s 11(10), (11) repealed: Postal Services Act 2000 Sch 9.

NOTE 1--Definition of 'accounting year' repealed: Postal Services Act 2000 (Consequential Modifications) Order 2003, SI 2003/2908.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/(iv) Powers of the Secretary of State over the Post Office/33. Directions to transact business for the government and local authorities.

33. Directions to transact business for the government and local authorities.

After consultation with the Post Office, the Secretary of State¹ may give to it a direction that it is to do, for Her Majesty's government in the United Kingdom² or Her Majesty's government in Northern Ireland, work of such a description as may be specified in the direction, being work consisting in the effecting of transactions in normal business hours in such parts of post offices as are open to the public during those hours for the transaction of postal business³. At the request of a local authority⁴ in Great Britain⁵ (but not otherwise), the Secretary of State may, after consultation with the Post Office, give to it a direction that, in normal business hours, it is to issue, on behalf of the local authority, licences for dealing in game or licences for killing game⁶. The Post Office must comply with such directions⁷; and any dispute arising as to the places at which, days on which or periods during which work is to be done or licences are to be issued in compliance with such a direction must be determined by the Secretary of State⁸. He must not give such a direction or proceed to such a determination except after taking into consideration the administrative arrangements of the Post Office for the time being in force and the facilities available to it for the time being for doing the work in question or, as the case may be, issuing the licences in question and for exercising and performing its other functions⁹.

In consideration of its complying with a direction to do work for Her Majesty's government¹⁰, the Post Office is entitled to payment by the Crown of an amount determined, in case of dispute, by the Secretary of State, and the direction may include provision as to the person by whom the payment is to be made and the manner in which it is to be defrayed¹¹.

1 As to the Secretary of State see PARA 1 note 6 ante.

2 For the meaning of 'United Kingdom' see PARA 18 note 1 ante.

3 Post Office Act 1969 s 12(1) (amended by virtue of the Ministry of Posts and Telecommunications (Dissolution) Order 1974, SI 1974/691, arts 2, 3(3)).

4 For the meaning of 'local authority' see PARA 18 note 8 ante.

5 For the meaning of 'Great Britain' see PARA 18 note 1 ante.

6 Post Office Act 1969 s 12(2) (amended by the Local Government Act 1988 s 41, Sch 7 Pt IV; and by virtue of the Ministry of Posts and Telecommunications (Dissolution) Order 1974, SI 1974/691, arts 2, 3(3)). Licences for dealing in or for killing game are issued in England and Wales by the councils having power to levy the duties on such licences, and those councils may employ persons to act as their agents for the purpose of issuing such licences and pay them such reasonable remuneration as they think fit: see the Post Office Act 1969 s 134.

7 Ibid s 12(4).

8 Ibid s 12(5) (amended by the Local Government Reorganisation (Consequential Provisions) (Northern Ireland) Order 1973, SI 1973/2095, art 5(1), Sch 1 para 6; and by virtue of the Ministry of Posts and Telecommunications (Dissolution) Order 1974, SI 1974/691, arts 2, 3(3)).

9 Post Office Act 1969 s 12(6) (amended by the Local Government Reorganisation (Consequential Provisions) (Northern Ireland) Order 1973, SI 1973/2095, Sch 1 para 6; and by virtue of the Ministry of Posts and Telecommunications (Dissolution) Order 1974, SI 1974/691, arts 2, 3(3)).

10 Ie under the Post Office Act 1969 s 12(1) (as amended).

11 Ibid s 12(7) (amended by virtue of the Ministry of Posts and Telecommunications (Dissolution) Order 1974, SI 1974/691, arts 2, 3(3)). As to the remuneration of the Post Office for issuing game licences in England and Wales see the Post Office Act 1969 s 135 (amended by the Local Government Act 1988 s 41, Sch 7 Pt IV).

UPDATE

33 Directions to transact business for the government and local authorities

TEXT AND NOTES--1969 Act s 12 repealed: Postal Services Act 2000 Sch 9.

NOTES 6, 11--1969 Act ss 134, 135 revoked: Regulatory Reform (Game) Order 2007, SI 2007/2007.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/(iv) Powers of the Secretary of State over the Post Office/34. Consultation as to Post Office manufacturing.

34. Consultation as to Post Office manufacturing.

The Post Office must consult with the Secretary of State¹ before it and all of its wholly-owned subsidiaries² taken together ('the group') during any accounting year³ construct, manufacture or produce⁴ things for the relevant purpose⁵. Without such consultation the Post Office or any of its wholly-owned subsidiaries may not construct, manufacture or produce for that purpose things of any kind to an extent substantially greater than that to which the group constructed, manufactured or produced, for that purpose, things of that kind during the relevant period⁶. The Post Office must also consult with the Secretary of State before the group during any accounting year constructs, manufactures or produces to a substantial extent for the relevant purpose things of a kind which the group did not construct, manufacture or produce for that purposes during the three accounting years immediately preceding that year⁷.

1 As to the Secretary of State see PARA 1 note 6 ante.

2 For the meaning of 'subsidiary' see PARA 13 note 3 ante.

3 For the meaning of 'accounting year' see PARA 32 note 1 ante.

4 For these purposes, the assembly of an article in the course of its installation at the place where it is to be used does not constitute its manufacture, construction or production: British Telecommunications Act 1981 s 63(3).

5 Ibid s 63(1). 'The relevant purpose' means the purpose of: (1) use by the Post Office or any of its subsidiaries (s 63(3)(a)); (2) supply by the Post Office or any of its subsidiaries to a public telecommunications operator or a subsidiary of such an operator (s 63(3)(b) (amended by the Telecommunications Act 1984 s 109(1), Sch 4 para 78(1)); or (3) supply by the Post Office or any of its wholly-owned subsidiaries to outside persons in connection with services provided by the Post Office or any of its wholly-owned subsidiaries (British Telecommunications Act 1981 s 63(3)(c)). 'Outside persons' means persons other than the Post Office, wholly-owned subsidiaries of the Post Office, public telecommunications operators and subsidiaries of such operators: s 63(3) (definition added by the Telecommunications Act 1984 Sch 4 para 78(1)).

6 British Telecommunications Act 1981 s 63(1). 'The relevant period' means, in relation to things of any kind and any accounting year, whichever of the three accounting years immediately preceding that year was the one in which the group constructed, manufactured or produced, for the relevant purpose, things of that kind to the greatest extent: s 63(3).

7 Ibid s 63(2).

UPDATE

34 Consultation as to Post Office manufacturing

TEXT AND NOTES--1981 Act s 63 repealed: Postal Services Act 2000 Sch 9.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/(iv) Powers of the Secretary of State over the Post Office/35. Restriction on construction, manufacture or purchase for supply to others.

35. Restriction on construction, manufacture or purchase for supply to others.

Neither the Post Office nor any of its wholly-owned subsidiaries¹ may, except with the approval of the Secretary of State², construct, manufacture, produce or purchase, otherwise than for the relevant purpose³, things of any kind to a substantial extent⁴. In carrying on any such activities⁵, the Post Office is to act as if it were a company engaged in a commercial enterprise, and it must so exercise its control over each of its wholly-owned subsidiaries that carries on any such activities as to ensure that the subsidiary so acts⁶.

1 For the meaning of 'subsidiary' see PARA 19 note 1 ante.

2 As to the Secretary of State see PARA 1 note 6 ante. The Secretary of State may give approval for these purposes subject to such conditions, if any, as he may think fit: British Telecommunications Act 1981 s 64(2)(a). Notwithstanding the giving of approval, the Secretary of State may at any time, after consultation with the Post Office, direct it to discontinue or, as the case may be, to exercise its control over any of its wholly-owned subsidiaries so as to require the subsidiary to discontinue, any activity that the Post Office or, as the case may be, the subsidiary is carrying on with approval: s 64(2)(b). The Secretary of State must publish, in such manner as he thinks fit, particulars of any such approval: s 64(3). For the meaning of 'wholly-owned subsidiary' see PARA 19 note 1 ante.

3 For the meaning of 'the relevant purpose' see PARA 34 note 5 ante; definition applied by ibid s 64(5).

4 Ibid s 64(1).

5 Ie any activities to which ibid s 64(1) applies: see the text and note 4 supra.

6 Ibid s 64(4).

UPDATE

35 Restriction on construction, manufacture or purchase for supply to others

TEXT AND NOTES--1981 Act s 64 repealed by the Postal Services Act 2000 s 127(6), Sch 9.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/ (v) Staff and Pensions/36. Appointment and dismissal of staff.

(v) Staff and Pensions

36. Appointment and dismissal of staff.

The Post Office must appoint a Secretary of the Post Office and may appoint such other officers and such servants¹ as it may determine². Except with the consent of the Secretary of State³, the Post Office must not terminate on security grounds⁴ the employment of a person employed by it⁵.

1 As to the position of subpostmasters, who are independent contractors and not employees see *Hitchcock v Post Office* [1980] ICR 100, EAT; *Malins v Post Office* [1975] ICR 60. See also *Williams v Neath Assessment Committee* (1935) 154 LT 261, DC, where a sub-postmistress was held not to be a servant or agent of the Crown and sub-post office premises were thus not exempt from rateability. But see also *HV Patel v Customs and Excise Comrs* (March 1997, unreported), London Tribunal Centre, where it was held on a preliminary point that the subpostmaster was employed under a contract of service.

2 Post Office Act 1969 s 6(4), Sch 1 para 10.

3 As to the Secretary of State see PARA 1 note 6 ante.

4 'Security grounds' means grounds which are grounds for dismissal from the Civil Service in accordance with any arrangements for the time being in force relating to dismissals from that service for reasons of national security: Post Office Act 1969 Sch 1 para 12(2). As to security procedures in the Civil Service see CONSTITUTIONAL LAW AND HUMAN RIGHTS vol 8(2) (Reissue) PARA 563.

5 Post Office Act 1969 Sch 1 para 12(1).

UPDATE

36-42 Staff and Pensions

The Post Office is replaced by Royal Mail Holdings plc, a public company limited by shares which is wholly owned by the Crown: Postal Services Act 2000 s 62(1), (4). See further PARA 3.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/ (v) Staff and Pensions/37. Surrender of clothing on ceasing to be an officer of the Post Office.

37. Surrender of clothing on ceasing to be an officer of the Post Office.

Where an officer of the Post Office¹ vacates his office, whether by reason of dismissal, resignation, death or otherwise, he, or, if he is dead, his personal representative or the person acting as such, must deliver to the Post Office all articles, whether uniform, accoutrements, appointments or other necessaries, issued to the officer for the execution of his duty and not his property, in good order and condition, fair wear and tear only excepted². Any person who fails to comply with this provision is liable on summary conviction to a fine³ and also to pay such further sum as the court may determine⁴ to be the value of the articles undelivered or, if delivered and not in good condition, of the damage done to them⁵. In such circumstances a justice of the peace may issue a search warrant as he might for stolen goods⁶.

1 'Officer of the Post Office' means a person engaged in the business of the Post Office: Post Office Act 1969 s 76, Sch 4 para 2(1). In *R v Yala* [1999] 2 Cr App Rep 1, [1999] Crim LR 585, CA, 'business of the Post Office' was held to have a wide meaning and an office cleaner was held to be an officer of the Post Office.

2 Post Office Act 1953 s 79(1) (amended by the Post Office Act 1969 Sch 4 para 2(1), (20)).

3 The fine is a sum not exceeding level 1 on the standard scale: Post Office Act 1953 s 79(2) (amended by virtue of the Criminal Justice Act 1982 ss 37, 46). The 'standard scale' means the standard scale of maximum fines for summary offences as set out in the Criminal Justice Act 1982 s 37(2) (as substituted): Interpretation Act 1978 s 5, Sch 1 (amended by the Criminal Justice Act 1988 s 170(1), Sch 15 para 58(a)). See SENTENCING AND DISPOSITION OF OFFENDERS vol 92 (2010) PARA 142. At the date at which this volume states the law, the standard scale is as follows: level 1, £200; level 2, £500; level 3, £1,000; level 4, £2,500; level 5, £5,000: Criminal Justice Act 1982 s 37(2) (substituted by the Criminal Justice Act 1991 s 17(1)). As to the determination of the amount of the fine actually imposed, as distinct from the level on the standard scale which it may not exceed, see the Criminal Justice Act 1991 s 18 (substituted by the Criminal Justice Act 1993 s 65); and SENTENCING AND DISPOSITION OF OFFENDERS vol 92 (2010) PARA 144.

4 The further sum which the court may determine is a sum not exceeding £2: Post Office Act 1953 s 79(2) (amended by virtue of the Decimal Currency Act 1969 s 10(1)).

5 Post Office Act 1953 s 79(2).

6 See *ibid* s 79(3). As to search warrants generally see CRIMINAL LAW, EVIDENCE AND PROCEDURE vol 11(2) (2006 Reissue) PARA 871 et seq. See also MAGISTRATES.

UPDATE

36-42 Staff and Pensions

The Post Office is replaced by Royal Mail Holdings plc, a public company limited by shares which is wholly owned by the Crown: Postal Services Act 2000 s 62(1), (4). See further PARA 3.

37 Surrender of clothing on ceasing to be an officer of the Post Office

NOTE 3--1991 Act s 18, consolidated in Powers of Criminal Courts (Sentencing) Act 2000 s 128, repealed: Criminal Justice Act 2003 Sch 37 Pt 7. See now s 162

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/ (v) Staff and Pensions/38. Machinery for settlement of terms and conditions of employment.

38. Machinery for settlement of terms and conditions of employment.

Except so far as the Post Office is satisfied that there exists for certain purposes adequate machinery for operation at national or local level, or a level between the two levels appearing to the Post Office to be appropriate, the Post Office must seek consultation with any organisation appearing to it to be appropriate¹ with a view to the conclusion with that organisation of such agreements as appear to them to be desirable with respect to the establishment and maintenance, for operation at any such level, of machinery for those purposes². The purposes are:

(1) the settlement by negotiation of terms and conditions of employment of persons employed by the Post Office, with provision for reference to arbitration in default of such settlement in such cases as may be determined by or under the agreements³;

(2) the promotion and encouragement of measures affecting efficiency, in any respect, in the carrying on by the Post Office of its activities, including in particular

the promotion and encouragement of the training of persons employed by the Post Office⁴; and

(3) the promotion and encouragement of measures affecting the safety, health and welfare of persons so employed⁵.

1 The Post Office has a discretion as to the organisations which it will consult, but that discretion is not absolute. In considering whether any organisation is appropriate, it is proper to have regard to the objects of the machinery to be established which are set out in heads (1)-(3) in the text: *R v Post Office, ex p Association of Scientific, Technical and Managerial Staffs (Telephone Contracts Officers' Section)* [1981] 1 All ER 139, CA, where *Gallagher v Post Office* [1970] 3 All ER 712 was considered. This provision does not prohibit the Post Office from taking part together with other employers or organisations of employers in the establishment and maintenance of machinery for the same purposes: Post Office Act 1969 s 6(4), Sch 1 para 11(4).

2 See ibid Sch 1 para 11(1).

3 Ibid Sch 1 para 11(1)(a).

4 Ibid Sch 1 para 11(1)(b).

5 Ibid Sch 1 para 11(1)(c).

UPDATE

36-42 Staff and Pensions

The Post Office is replaced by Royal Mail Holdings plc, a public company limited by shares which is wholly owned by the Crown: Postal Services Act 2000 s 62(1), (4). See further PARA 3.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/ (v) Staff and Pensions/39. Staff pensions.

39. Staff pensions.

The Post Office must pay to or in respect of such persons engaged in its business, other than members of the Post Office¹, as may be determined by it such pensions, allowances and gratuities as may be so determined, or make such payments towards the provision of such pensions, allowances or gratuities as may be so determined, or provide and maintain such schemes (whether contributory or not) for the payment of such pensions, allowances or gratuities as may be so determined².

The Secretary of State³ may make orders⁴ for the enabling of employees of any of the Post Office's subsidiaries⁵ to participate or continue to participate in any such pension scheme⁶. He may also make orders⁷ for any supplemental, incidental or consequential matters, including the amendment of any statutory provision and any trust deed, rules or other instrument made for the purposes of such a scheme⁸. However, this does not authorise the making of provision for the diversion of any part of a pension fund to purposes other than the payment of pensions to or in respect of employees of any of the Post Office's subsidiaries⁹.

1 Where a participant in a pension scheme provided by the Post Office becomes a member of the Post Office, he may be treated for the purposes of the scheme as if his service as such a member were service as a

person otherwise engaged in its business, and his rights under the scheme are not affected by the provisions of the Post Office Act 1969 s 6(4), Sch 1 para 4(1)(b) (see PARA 14 ante): s 43(2).

2 Ibid s 43(1) (amended by the Superannuation Act 1972 s 29(4) Sch 8). Under the Post Office Act 1969 s 43 (as originally enacted) the approval of the Minister of Posts and Telecommunications of a determination of the Post Office was required. With the minister's approval, the Post Office Staff Superannuation Scheme was established by a deed dated 24 September 1969 and made between the Post Office and the first trustees. Former employees of Cable and Wireless Ltd who remain members of certain pension schemes are not eligible for membership of the Post Office Staff Superannuation Scheme: see PARA 42 post.

3 As to the Secretary of State see PARA 1 note 6 ante.

4 Such an order must be so framed as to secure that no person other than the Post Office or any of its subsidiaries is placed in a worse position than he would have been in if the order had not been made (British Telecommunications Act 1981 s 76(2)) and such an order is not invalid by reason that in fact it does not secure that result; but if the Secretary of State is satisfied or it is determined that an order has failed to secure that result, the Secretary of State must as soon as possible make the necessary amending order (s 76(2)). Any dispute arising as to whether or not the said result has been secured is to be referred to and determined by an employment tribunal: s 76(2) (amended by the Employment Rights (Dispute Resolution) Act 1998 s 1(1)). An order under the British Telecommunications Act 1981 s 76 (as amended) may be made so as to have effect from a date prior to its making, so however that so much of any order as provides that any provision of it is to have effect from a date prior to the making of the order must not place any person other than the Post Office or any of its subsidiaries in a worse position than he would have been in if the order had been made to have effect only from the date of its making: s 76(3). Orders under s 76 (as amended) are to be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament: s 76(4).

5 For the meaning of 'subsidiary' see PARA 19 note 1 ante.

6 British Telecommunications Act 1981 s 76(1)(a). The reference to pension scheme in the text is to any pension scheme established by the Post Office under the Post Office Act 1969 s 43 (as amended).

7 See note 4 supra.

8 British Telecommunications Act 1981 s 76(1)(b).

9 Ibid s 76(1) proviso.

UPDATE

36-42 Staff and Pensions

The Post Office is replaced by Royal Mail Holdings plc, a public company limited by shares which is wholly owned by the Crown: Postal Services Act 2000 s 62(1), (4). See further PARA 3.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/ (v) Staff and Pensions/40. Payment of pensions of certain former civil servants.

40. Payment of pensions of certain former civil servants.

The Post Office must pay any sum which would otherwise be payable out of money provided by Parliament falling to be paid in respect of a period beginning on or after 1 October 1969¹ by way of allowance or pension, or payable on or after that day by way of additional allowance or gratuity under the Superannuation Act 1965² or the Principal Civil Service Pension Scheme 1972³, being an allowance, pension, additional allowance or gratuity referable to the service of a person who: (1) ceased to be a civil servant at some time before that day⁴; and (2) immediately before that time was employed in the department of the Postmaster General

otherwise than wholly in connection with the functions of the Postmaster General under the enactments relating to national savings⁵. If, after such a person ceased to be a civil servant, he began to serve in an unestablished capacity before 1 October 1969⁶ in another department⁷ and continued to serve in that department after the beginning of that day⁸, the obligation of the Post Office does not extend to so much of any payment by way of a superannuation or additional allowance granted to him under the Superannuation Act 1965 or that scheme, or so much of a pension granted under that Act or that scheme in respect of his service, being a pension the annual rate of which is determined by reference to the rate of his superannuation allowance, as is attributable to a completed year of service the whole or greater part of which was served after the day immediately preceding 1 October 1969⁹. The Post Office is also required to pay part of any payment by way of a superannuation or additional allowance so granted, or of any such pension so granted, to or in respect of the service of any person who, after retiring from service as a civil servant elsewhere than in the department of the Postmaster General¹⁰, began to serve in that department in an unestablished capacity and, having continued to serve there until the appointed day¹¹, began to serve in the Post Office on that day¹². The part payable by the Post Office is so much of the payment or of the pension as is attributable to a completed year of service the whole or greater part of which was served after the day immediately preceding 1 October 1969¹³.

1 Ie the appointed day for the purposes of the Post Office Act 1969: see s 1(1) (repealed); Post Office Act 1969 (Appointed Day) Order 1969, SI 1969/1066.

2 See the Post Office Act 1969 s 44(1)(b).

3 Ie the Principal Civil Service Pensions Scheme 1972 made under the Superannuation Act 1972 s 1: see the Post Office Act 1969 s 44(3) (added by the Superannuation Act 1972 s 29(1), Sch 6 para 73). As to this scheme and Civil Service pensions generally see CONSTITUTIONAL LAW AND HUMAN RIGHTS vol 8(2) (Reissue) PARA 565 et seq.

4 Post Office Act 1969 s 44(1)(a)(i).

5 Ibid s 44(1)(a)(ii). The functions of the Postmaster General under those enactments were not transferred to the Post Office. The Post Office was also required to pay any sum falling to be paid on or after the appointed day to such a person by way of return of periodical contributions: s 44(1)(c).

6 Ibid s 44(2)(a).

7 See note 1 supra.

8 Post Office Act 1969 s 44(2)(b).

9 Ibid s 44(2)(i), (ii).

10 Ibid s 46(a).

11 Ibid s 46(b).

12 Ibid s 46(c). For the purposes of the Superannuation Act 1965 s 13 (now repealed), which provided for additions to the allowances payable to retired civil servants in respect of unestablished service after retirement, service in the Post Office that immediately followed service in the department of the Postmaster General was treated as service in an unestablished capacity in the Civil Service: Post Office Act 1969 s 45(2) (now repealed). Such service in the Post Office was to be treated as service in an office in a public department for the purpose of the Superannuation Act 1965 s 12, which provided for the cessation or reduction of a superannuation allowance on re-employment in such an office: Post Office Act 1969 s 45(1) (now repealed). The Superannuation Act 1965 ss 12, 13, and the Post Office Act 1969 s 45 were repealed, but continue in force as if they constituted a principal civil service pension scheme: Superannuation Act 1972 ss 2(12), 29, Sch 2 Pt I, Sch 8.

13 Post Office Act 1969 s 46 (amended by the Superannuation Act 1972 Sch 6 para 74).

UPDATE

36-42 Staff and Pensions

The Post Office is replaced by Royal Mail Holdings plc, a public company limited by shares which is wholly owned by the Crown: Postal Services Act 2000 s 62(1), (4). See further PARA 3.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/ (v) Staff and Pensions/41. Payments by the Secretary of State to Post Office pension trustees.

41. Payments by the Secretary of State to Post Office pension trustees.

In consideration of the Exchequer being relieved of liabilities in respect of pensions, gratuities and other similar benefits¹, trustees appointed by the Post Office are entitled to receive from the Secretary of State² quarterly payments on 5 January, 5 April, 5 July and 5 October in every year, being the days on which dividends are payable in respect of 2½ per cent Consolidated Stock³. The payments ceased in 1983.

1 As to the payment by the Post Office of pensions etc of certain former civil servants see the Post Office Act 1969 ss 44, 46 (both as amended); and PARA 40 ante.

2 As to the Secretary of State see PARA 1 note 6 ante.

3 See the Post Office Act 1969 s 47 (amended by virtue of the Ministry of Posts and Telecommunications (Dissolution) Order 1974, SI 1974/691, arts 2, 3(3)).

UPDATE

36-42 Staff and Pensions

The Post Office is replaced by Royal Mail Holdings plc, a public company limited by shares which is wholly owned by the Crown: Postal Services Act 2000 s 62(1), (4). See further PARA 3.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/ (v) Staff and Pensions/42. Pensions of former employees of Cable and Wireless Ltd.

42. Pensions of former employees of Cable and Wireless Ltd.

Following the abolition of the department of the Postmaster General on 1 October 1969¹, provision was made by regulations² under the Post Office Act 1969³ with respect to the pension rights of persons serving in that department at the passing of the Act⁴ who had transferred to such service from employment with Cable and Wireless Ltd in consequence of the Commonwealth Telegraphs Agreement⁵ and remained members of certain pension schemes as they were entitled to do so long as they continued to serve in that department.

1 Ie the appointed day for the purposes of the Post Office Act 1969: see s 1(1) (repealed); Post Office Act 1969 (Appointed Day) Order 1969, SI 1969/1066.

2 Ie the Commonwealth Telegraphs (Pension Rights of Former Cable and Wireless Ltd Staff) Regulations 1971, SI 1971/60, which came into operation on 2 March 1971, but had effect from 30 September 1969.

3 The Minister of Posts and Telecommunications was empowered, with the consent of the Minister for the Civil Service, to make, by statutory instrument (subject to negative resolution procedure), such regulations with respect to the payment of pensions to or in respect of persons serving in the department of the Postmaster General at the passing of the Post Office Act 1969 who had pension rights under the schemes, or had been in the employment of Cable and Wireless Ltd, as appeared to him requisite for securing that they were not adversely affected by reason only that, in consequence of the Act, they ceased to serve in that department: s 49(1). Section 49(2) applied the Commonwealth Telegraphs Act 1949 s 6(2)-(4), (7), (8) with modifications. For the power to amend or revoke provisions of regulations which had been made under s 6 see the Post Office Act 1969 s 49(3).

4 Ie 25 July 1969.

5 Ie the Commonwealth Telegraphs Agreement (London, 11 May 1948; Cmnd 7582) referred to in the Preamble to the Commonwealth Telegraphs Act 1949, in pursuance of which the United Kingdom assets of Cable and Wireless Ltd were transferred into public ownership on 1 April 1950: see further TELECOMMUNICATIONS AND BROADCASTING.

UPDATE

36-42 Staff and Pensions

The Post Office is replaced by Royal Mail Holdings plc, a public company limited by shares which is wholly owned by the Crown: Postal Services Act 2000 s 62(1), (4). See further PARA 3.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/(vi) Post Office Users' Councils/43. Constitution of Post Office users' councils.

(vi) Post Office Users' Councils

43. Constitution of Post Office users' councils.

A users' council was established for the British Islands¹ called 'the Post Office Users' National Council'², and also three country councils, 'the Post Office Users' Council for Scotland', 'the Post Office Users' Council for Wales' and 'the Post Office Users' Council for Northern Ireland'³.

The national council consists of a chairman appointed by the Secretary of State⁴, the chairmen of the country councils⁵, such other members, not exceeding 26, as the Secretary of State may appoint after consultation with such bodies as appear to him to be representative of the interests of persons likely to be concerned with matters within the council's competence⁶, and such other members, not exceeding three, as he may appoint without such consultation⁷. Each of the country councils consists of a chairman appointed by the Secretary of State and such other members, not exceeding 24, as the Secretary of State may appoint after consultation with the chairman and with such bodies in the part of the United Kingdom for which the council is established as appear to him to be representative of the interests of persons likely to be concerned with matters within the council's competence⁸.

A member of a council holds and vacates office in accordance with the terms of his appointment, except that he may at any time resign by notice in writing to the Secretary of

State⁹. A person who has held office as such a member is eligible for reappointment¹⁰. The chairman of the national council is disqualified for membership of the House of Commons¹¹.

1 For the meaning of 'the British Islands' see PARA 18 note 1 ante. However, 'the British Islands' here no longer includes the Channel Islands: Telecommunication Services (Channel Islands Consequential Provisions) Order 1972, SI 1972/1816, art 4.

2 Post Office Act 1969 s 14(1)(a). In the Isle of Man s 14 (as amended) applies in relation to telecommunication services only: Postal Services (Isle of Man) Order 1973, SI 1973/959, art 6 Sch 2 para 2.

3 Post Office Act 1969 s 14(1)(b) (amended by the Local Authorities, etc (Miscellaneous Provisions) (No 2) Order 1974, SI 1974/595, art 3(14)).

4 Post Office Act 1969 s 14(2)(a) (amended by virtue of the Ministry of Posts and Telecommunications (Dissolution) Order 1974, SI 1974/691, arts 2, 3(3)). As to the Secretary of State see PARA 1 note 6 ante.

5 Post Office Act 1969 s 14(2)(b).

6 Ibid s 14(2)(c) (amended by virtue of the Ministry of Posts and Telecommunications (Dissolution) Order 1974, SI 1974/691, arts 2, 3(3)). In appointing these members, the Secretary of State must have regard to the desirability of having members who are familiar with the special requirements and circumstances of particular parts of the British Islands: Post Office Act 1969 s 14(2) (amended by virtue of the Ministry of Posts and Telecommunications (Dissolution) Order 1974, SI 1974/691, arts 2, 3(3)).

7 Post Office Act 1969 s 14(2)(d) (amended by virtue of the Ministry of Posts and Telecommunications (Dissolution) Order 1974, SI 1974/691, arts 2, 3(3)). In appointing persons to be members of any of the councils established under the Post Office Act 1969 s 14 (as amended), the Secretary of State must have regard to the desirability of the council including one or more persons with experience of work among, and the special needs of, disabled persons and to the person or persons with that experience being or including a disabled person or persons: Chronically Sick and Disabled Persons Act 1970 s 14.

8 Post Office Act 1969 s 14(3) (amended by virtue of the Ministry of Posts and Telecommunications (Dissolution) Order 1974, SI 1974/691, arts 2, 3(3)). For the meaning of 'United Kingdom' see PARA 18 note 1 ante.

9 Post Office Act 1969 s 14(4) (amended by virtue of the Ministry of Posts and Telecommunications (Dissolution) Order 1974, SI 1974/691, arts 2, 3(3)).

10 Post Office Act 1969 s 14(5).

11 House of Commons Disqualification Act 1975 s 1(1), Sch 1 Pt III: see PARLIAMENT vol 78 (2010) PARA 908.

UPDATE

43-51 Post Office Users' Councils

The Post Office Users' National Council, the Post Office Users' Council for Scotland, the Post Office Users' Council for Wales and the Post Office Users' Council for Northern Ireland were abolished by the Postal Services Act 2000 s 2(4). The property, rights and liabilities of the Post Office Users' National Council became the property, rights and liabilities of the Consumer Council for Postal Services (see s 118) which is now replaced by the National Consumer Council: see the Consumers, Estate Agents and Redress Act 2007 s 30(2), (3). In the Postal Services Act 2000, unless the context otherwise requires, 'the Council' means the National Consumer Council: s 125(1) (definition added by Consumers, Estate Agents and Redress Act 2007 s 30(4)(c)).

The Council must refer certain complaints to the Postal Services Commission: see PARA 10F.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/(vi) Post Office Users' Councils/44. Staff, remuneration and expenses.

44. Staff, remuneration and expenses.

Each Post Office users' council¹ must be furnished by the Secretary of State² with such officers and staff and with such office accommodation and equipment and such services as appear to him to be requisite for the proper discharge of its functions³. The Secretary of State may pay such allowances and remuneration to the chairman of the national council and the officers and staff of any of the councils and such allowances to the members of any of the councils, other than the chairman of the national council, as he may determine; and he may pay such expenses of any of the councils as he may determine⁴.

1 See PARA 43 ante.

2 As to the Secretary of State see PARA 1 note 6 ante.

3 Post Office Act 1969 s 14(15) (amended by virtue of the Ministry of Posts and Telecommunications (Dissolution) Order 1974, SI 1974/691, arts 2, 3(3)). The approval of the Minister for the Civil Service is requisite as to the number of persons to be furnished: Post Office Act 1969 s 14(19).

4 Ibid s 14(16) (amended by virtue of the Ministry of Posts and Telecommunications (Dissolution) Order 1974, SI 1974/691, arts 2, 3(3)). The approval of the Minister for the Civil Service is requisite to a determination relating to allowances or remuneration, and the Treasury approval is requisite to a determination relating to expenses: Post Office Act 1969 s 14(19).

UPDATE

43-51 Post Office Users' Councils

The Post Office Users' National Council, the Post Office Users' Council for Scotland, the Post Office Users' Council for Wales and the Post Office Users' Council for Northern Ireland were abolished by the Postal Services Act 2000 s 2(4). The property, rights and liabilities of the Post Office Users' National Council became the property, rights and liabilities of the Consumer Council for Postal Services (see s 118) which is now replaced by the National Consumer Council: see the Consumers, Estate Agents and Redress Act 2007 s 30(2), (3). In the Postal Services Act 2000, unless the context otherwise requires, 'the Council' means the National Consumer Council: s 125(1) (definition added by Consumers, Estate Agents and Redress Act 2007 s 30(4)(c)).

The Council must refer certain complaints to the Postal Services Commission: see PARA 10F.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/(vi) Post Office Users' Councils/45. Recognition of other bodies assisting the Post Office Users' National Council.

45. Recognition of other bodies assisting the Post Office Users' National Council.

After consultation with the Post Office Users' National Council¹, the Secretary of State² may pay such allowances as he may determine to members of any body recognised by him to be assisting the council to ascertain the opinion of users of services provided by the Post Office in any part of the British Islands³, and he may pay such expenses of a body so recognised as he may determine⁴. However, before recognising a body to be so assisting the council in any part of the United Kingdom⁵ for which one of the country councils is established, he must consult that council⁶.

1 See PARA 43 ante.

2 As to the Secretary of State see PARA 1 note 6 ante.

3 For the meaning of 'the British Islands' see PARA 18 note 1 ante.

4 Post Office Act 1969 s 14(17) (amended by virtue of the Ministry of Posts and Telecommunications (Dissolution) Order 1974, SI 1974/691, arts 2, 3(3)). The approval of the Minister for the Civil Service is requisite to a determination relating to allowances or remuneration and the Treasury approval is requisite to a determination relating to expenses: Post Office Act 1969 s 14(19).

5 For the meaning of 'United Kingdom' see PARA 18 note 1 ante.

6 Post Office Act 1969 s 14(7) (as amended: see note 4 supra).

UPDATE

43-51 Post Office Users' Councils

The Post Office Users' National Council, the Post Office Users' Council for Scotland, the Post Office Users' Council for Wales and the Post Office Users' Council for Northern Ireland were abolished by the Postal Services Act 2000 s 2(4). The property, rights and liabilities of the Post Office Users' National Council became the property, rights and liabilities of the Consumer Council for Postal Services (see s 118) which is now replaced by the National Consumer Council: see the Consumers, Estate Agents and Redress Act 2007 s 30(2), (3). In the Postal Services Act 2000, unless the context otherwise requires, 'the Council' means the National Consumer Council: s 125(1) (definition added by Consumers, Estate Agents and Redress Act 2007 s 30(4)(c)).

The Council must refer certain complaints to the Postal Services Commission: see PARA 10F.

45 Recognition of other bodies assisting the Post Office Users' National Council

TEXT AND NOTES--1969 Act s 14 repealed: Postal Services Act 2000 Sch 9.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/(vi) Post Office Users' Councils/46. Proceedings.

46. Proceedings.

Every Post Office users' council¹ must meet when convened by its chairman, but not less frequently than twice a year². Without prejudice to the discretion of the chairman to call a meeting whenever he thinks fit, he must call a meeting when required to do so by any three members of the council³. Minutes must be kept of the proceedings at each meeting, but, subject to that, each council may determine its own quorum and procedure⁴. A country council must comply with a requisition by the national council for a copy of the minutes of a specified meeting of the council⁵.

1 See PARA 43 ante.

2 Post Office Act 1969 s 14(11).

3 Ibid s 14(11).

4 Ibid s 14(12).

5 Ibid s 14(13).

UPDATE

43-51 Post Office Users' Councils

The Post Office Users' National Council, the Post Office Users' Council for Scotland, the Post Office Users' Council for Wales and the Post Office Users' Council for Northern Ireland were abolished by the Postal Services Act 2000 s 2(4). The property, rights and liabilities of the Post Office Users' National Council became the property, rights and liabilities of the Consumer Council for Postal Services (see s 118) which is now replaced by the National Consumer Council: see the Consumers, Estate Agents and Redress Act 2007 s 30(2), (3). In the Postal Services Act 2000, unless the context otherwise requires, 'the Council' means the National Consumer Council: s 125(1) (definition added by Consumers, Estate Agents and Redress Act 2007 s 30(4)(c)).

The Council must refer certain complaints to the Postal Services Commission: see PARA 10F.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/(vi) Post Office Users' Councils/47. Annual reports to the Secretary of State.

47. Annual reports to the Secretary of State.

As respects each accounting year¹, each Post Office users' council² must make a report on the exercise and performance of its functions during that year to the Secretary of State³, who must lay a copy of it before each House of Parliament⁴.

1 For the meaning of 'accounting year' see PARA 32 note 1 ante.

2 See PARA 43 ante.

3 As to the Secretary of State see PARA 1 note 6 ante.

4 Post Office Act 1969 s 14(14) (amended by virtue of the Ministry of Posts and Telecommunications (Dissolution) Order 1974, SI 1974/691, arts 2, 3(3)).

UPDATE**43-51 Post Office Users' Councils**

The Post Office Users' National Council, the Post Office Users' Council for Scotland, the Post Office Users' Council for Wales and the Post Office Users' Council for Northern Ireland were abolished by the Postal Services Act 2000 s 2(4). The property, rights and liabilities of the Post Office Users' National Council became the property, rights and liabilities of the Consumer Council for Postal Services (see s 118) which is now replaced by the National Consumer Council: see the Consumers, Estate Agents and Redress Act 2007 s 30(2), (3). In the Postal Services Act 2000, unless the context otherwise requires, 'the Council' means the National Consumer Council: s 125(1) (definition added by Consumers, Estate Agents and Redress Act 2007 s 30(4)(c)).

The Council must refer certain complaints to the Postal Services Commission: see PARA 10F.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/(vi) Post Office Users' Councils/48. References to users' councils.

48. References to users' councils.

The Secretary of State¹ and the Post Office may each refer to the Post Office Users' National Council², for consideration and report, any matter relating to the services provided by the Post Office³. Each of them may refer to a country council, for consideration and report, a matter relating to services so provided that affects persons in the part of the United Kingdom⁴ for which the council is established, being persons for whom those services are provided, but does not affect others⁵. A council must consider any matter so referred to it and report on that matter to the Secretary of State and the Post Office⁶.

1 As to the Secretary of State see PARA 1 note 6 ante.

2 See PARA 43 ante.

3 Post Office Act 1969 s 14(6) (amended by virtue of the Ministry of Posts and Telecommunications (Dissolution) Order 1974, SI 1974/691, arts 2, 3(3)). Certain services provided by the Post Office are no longer referable to the national and county council (ie banking services and services for the remission of money (otherwise than by postal order) and services for the conveyance of letters which are subject to a minimum charge of not less than £1 per letter): see the Post Office Users' Councils (Functions) Order 1983, SI 1983/85.

4 For the meaning of 'United Kingdom' see PARA 18 note 1 ante.

5 Post Office Act 1969 s 14(7). Neither the Secretary of State nor the Post Office may refer any other matter to a country council: s 14(7) (amended by virtue of the Ministry of Posts and Telecommunications (Dissolution) Order 1974, SI 1974/691, arts 2, 3(3)).

6 Post Office Act 1969 s 14(8)(b), (9)(c) (amended by virtue of the Ministry of Posts and Telecommunications (Dissolution) Order 1974, SI 1974/691, arts 2, 3(3)).

UPDATE**43-51 Post Office Users' Councils**

The Post Office Users' National Council, the Post Office Users' Council for Scotland, the Post Office Users' Council for Wales and the Post Office Users' Council for Northern Ireland were abolished by the Postal Services Act 2000 s 2(4). The property, rights and liabilities of the Post Office Users' National Council became the property, rights and liabilities of the Consumer Council for Postal Services (see s 118) which is now replaced by the National Consumer Council: see the Consumers, Estate Agents and Redress Act 2007 s 30(2), (3). In the Postal Services Act 2000, unless the context otherwise requires, 'the Council' means the National Consumer Council: s 125(1) (definition added by Consumers, Estate Agents and Redress Act 2007 s 30(4)(c)).

The Council must refer certain complaints to the Postal Services Commission: see PARA 10F.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/(vi) Post Office Users' Councils/49. Other duties of the Post Office users' country councils.

49. Other duties of the Post Office users' country councils.

Each of the Post Office users' country councils¹ must consider:

- (1) any matter relating to the services provided by the Post Office in the part of the United Kingdom² for which the council is established which is the subject of a representation, other than one appearing to it to be frivolous, made to the council by or on behalf of a user in that part of the United Kingdom of those services³; and
- (2) any matter relating to those services which appears to the council to be one to which consideration ought to be given by it notwithstanding that no representation has been made with respect to it⁴.

If it is of the opinion that action ought to be taken with respect to any such matter, the council must give notice to the Secretary of State⁵, the Post Office and the Post Office Users' National Council of its opinion and of the action which it thinks ought to be taken, stating whether or not the matter was the subject of a representation⁶.

1 See PARA 43 ante.

2 For the meaning of 'United Kingdom' see PARA 18 note 1 ante.

3 Post Office Act 1969 s 14(8)(a)(i).

4 Ibid s 14(8)(a)(ii).

5 As to the Secretary of State see PARA 1 note 6 ante.

6 Post Office Act 1969 s 14(8)(a) (amended by virtue of the Ministry of Posts and Telecommunications (Dissolution) Order 1974, SI 1974/691, arts 2, 3(3)).

UPDATE

43-51 Post Office Users' Councils

The Post Office Users' National Council, the Post Office Users' Council for Scotland, the Post Office Users' Council for Wales and the Post Office Users' Council for Northern Ireland were abolished by the Postal Services Act 2000 s 2(4). The property, rights and liabilities of the Post Office Users' National Council became the property, rights and liabilities of the Consumer Council for Postal Services (see s 118) which is now replaced by the National Consumer Council: see the Consumers, Estate Agents and Redress Act 2007 s 30(2), (3). In the Postal Services Act 2000, unless the context otherwise requires, 'the Council' means the National Consumer Council: s 125(1) (definition added by Consumers, Estate Agents and Redress Act 2007 s 30(4)(c)).

The Council must refer certain complaints to the Postal Services Commission: see PARA 10F.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/(vi) Post Office Users' Councils/50. Other duties of the Post Office Users' National Council.

50. Other duties of the Post Office Users' National Council.

The Post Office Users' National Council¹ must consider:

- (1) any matter relating to the services provided by the Post Office in the British Islands² which is the subject of a representation, other than one appearing to it to be frivolous, made to the council by or on behalf of a user of the services so provided in those islands³; and
- (2) any matter relating to the services so provided in those islands which appears to it to be one to which consideration ought to be given by it notwithstanding that no representation has been made with respect to that matter⁴.

If it is of opinion that action ought to be taken with respect to any such matter, the council must give notice to the Secretary of State⁵ and the Post Office of its opinion and of the action which it thinks ought to be taken, stating whether or not the matter was the subject of a representation⁶.

The national council must also consider the subject matter of a notice given to it⁷ by a country council of the action which that country council thinks ought to be taken with respect to a matter it has considered; and the national council must transmit its observations on the matter to the Secretary of State, the Post Office and that council⁸.

Where it falls to the national council to consider a matter that affects persons in a part of the United Kingdom⁹ for which one of the country councils is established, being persons for whom services are provided by the Post Office, but does not affect persons elsewhere for whom services are so provided, the national council must consult with that country council with respect to that matter¹⁰.

1 See PARA 43 ante.

2 For the meaning of 'the British Islands' see PARAS 18 note 1, 43 note 1 ante.

3 Post Office Act 1969 s 14(9)(a)(i).

4 Ibid s 14(9)(a)(ii).

- 5 As to the Secretary of State see PARA 1 note 6 ante.
- 6 Post Office Act 1969 s 14(9)(a) (amended by virtue of the Ministry of Posts and Telecommunications (Dissolution) Order 1974, SI 1974/691, arts 2, 3(3)).
- 7 If a notice given to it in pursuance of the Post Office Act 1969 s 14(8)(a) (as amended): see PARA 49 ante.
- 8 Ibid s 14(9)(b).
- 9 For the meaning of 'United Kingdom' see PARA 18 note 1 ante.
- 10 Post Office Act 1969 s 14(10).

UPDATE

43-51 Post Office Users' Councils

The Post Office Users' National Council, the Post Office Users' Council for Scotland, the Post Office Users' Council for Wales and the Post Office Users' Council for Northern Ireland were abolished by the Postal Services Act 2000 s 2(4). The property, rights and liabilities of the Post Office Users' National Council became the property, rights and liabilities of the Consumer Council for Postal Services (see s 118) which is now replaced by the National Consumer Council: see the Consumers, Estate Agents and Redress Act 2007 s 30(2), (3). In the Postal Services Act 2000, unless the context otherwise requires, 'the Council' means the National Consumer Council: s 125(1) (definition added by Consumers, Estate Agents and Redress Act 2007 s 30(4)(c)).

The Council must refer certain complaints to the Postal Services Commission: see PARA 10F.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/(vi) Post Office Users' Councils/51. Duty of the Post Office to consult the national council about major proposals.

51. Duty of the Post Office to consult the national council about major proposals.

Before putting into effect any major proposals relating to any of its main services so as to affect the persons for whom they are provided, the Post Office must refer the proposals to, and consult on them with, the Post Office Users' National Council¹. This requirement does not apply to proposals containing no matter other than such as is requisite, or ancillary to matters requisite, to comply with a direction given by the Secretary of State² (1) in the interests of national security or relations with a country abroad or for a purpose connected with an international organisation or international agreement³; (2) in order to secure the cessation of undue preference or discrimination⁴; or (3) to effect transactions in public post offices for a government department or to issue licences for dealing in or killing game on behalf of a local authority⁵. Any question arising whether or not any proposals are major proposals or relate to a main service must be referred to the Secretary of State, whose decision is final⁶. Failure to refer proposals to the national council is not a ground for impugning the validity of any action taken by the Post Office⁷.

1 Post Office Act 1969 s 15(1). As to the Post Office Users' National Council see PARA 43 ante.

2 Ibid s 15(2) (amended by virtue of the Ministry of Posts and Telecommunications (Dissolution) Order 1974, SI 1974/691, arts 2, 3(3)). As to the Secretary of State see PARA 1 note 6 ante.

3 Ie a direction given under the Post Office Act 1969 s 11(3) (as amended): see PARA 27 ante.

4 Ie a direction given under ibid s 11(4) (as amended): see PARA 28 ante.

5 Ie a direction given under ibid s 12 (as amended): see PARA 33 ante.

6 Ibid s 15(3).

7 Ibid s 15(4).

UPDATE

43-51 Post Office Users' Councils

The Post Office Users' National Council, the Post Office Users' Council for Scotland, the Post Office Users' Council for Wales and the Post Office Users' Council for Northern Ireland were abolished by the Postal Services Act 2000 s 2(4). The property, rights and liabilities of the Post Office Users' National Council became the property, rights and liabilities of the Consumer Council for Postal Services (see s 118) which is now replaced by the National Consumer Council: see the Consumers, Estate Agents and Redress Act 2007 s 30(2), (3). In the Postal Services Act 2000, unless the context otherwise requires, 'the Council' means the National Consumer Council: s 125(1) (definition added by Consumers, Estate Agents and Redress Act 2007 s 30(4)(c)).

The Council must refer certain complaints to the Postal Services Commission: see PARA 10F.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/(vi) Post Office Users' Councils/51A. Memorandum of understanding.

51A. Memorandum of understanding.

The Postal Services Commission¹ and the National Consumer Council² must make arrangements with a view to securing co-operation and the exchange of information between them, and consistent treatment of matters which affect both of them³. As soon as practicable after agreement is reached on those arrangements, the Commission and the Council must prepare a memorandum setting them out and send a copy of it to the Secretary of State⁴. Such arrangements must be kept under review by the Commission and the Council⁵. As soon as practicable after agreement is reached on any changes to those arrangements, the Commission and the Council must revise their memorandum and send a copy of the revised memorandum to the Secretary of State⁶. The Secretary of State must lay before each House of Parliament a copy of any document received by him⁷.

1 See PARA 10.

2 See PARA 43-51.

3 Postal Services Act 2000 s 60(1).

4 Ibid s 60(2).

5 Ibid s 60(3).

6 Ibid s 60(4).

7 Ibid s 60(5).

52 General duty as to finance

TEXT AND NOTES--1981 Act s 71 repealed: Postal Services Act 2000 Sch 9.

UPDATE

43-51 Post Office Users' Councils

The Post Office Users' National Council, the Post Office Users' Council for Scotland, the Post Office Users' Council for Wales and the Post Office Users' Council for Northern Ireland were abolished by the Postal Services Act 2000 s 2(4). The property, rights and liabilities of the Post Office Users' National Council became the property, rights and liabilities of the Consumer Council for Postal Services (see s 118) which is now replaced by the National Consumer Council: see the Consumers, Estate Agents and Redress Act 2007 s 30(2), (3). In the Postal Services Act 2000, unless the context otherwise requires, 'the Council' means the National Consumer Council: s 125(1) (definition added by Consumers, Estate Agents and Redress Act 2007 s 30(4)(c)).

The Council must refer certain complaints to the Postal Services Commission: see PARA 10F.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/(vi) Post Office Users' Councils/53. Reserves of the Post Office and its wholly-owned subsidiaries.

53. Reserves of the Post Office and its wholly-owned subsidiaries.

The Secretary of State¹ may from time to time, after consultation with the Post Office and with the approval of the Treasury, give to the Post Office directions:

- (1) requiring it to allocate to reserve generally, or to reserve for a particular purpose, or to cause any of its wholly-owned subsidiaries² so to allocate, either a specified amount or such amount as the Post Office considers adequate³; or
- (2) requiring it to re-allocate for a specified purpose, or to cause any of its wholly-owned subsidiaries to re-allocate, the whole or any part of any amount previously allocated by the Post Office or subsidiary, as the case may be, to reserve for some other purpose⁴; or
- (3) with respect to the application by the Post Office or any of its wholly-owned subsidiaries of amounts allocated to reserve⁵.

Directions requiring the allocation of any amount to reserve may provide for it to be so allocated either at a specified time or during the course of a specified period⁶.

1 As to the Secretary of State see PARA 1 note 6 ante.

- 2 For the meaning of 'wholly-owned subsidiary' see PARA 19 note 1 ante.
- 3 British Telecommunications Act 1981 s 72(1)(a).
- 4 Ibid s 72(1)(b).
- 5 Ibid s 72(1)(c).
- 6 Ibid s 72(2).

UPDATE

53 Reserves of the Post Office and its wholly-owned subsidiaries

TEXT AND NOTES--1981 Act s 72 re-enacted as Postal Services Act 2000 s 72. For 'the Post Office' (in each place) read 'Royal Mail Holdings plc': s 72.

TEXT AND NOTE 5--Directions under head (3) may, in particular, require amounts allocated to a reserve to be applied as if they were profits available for distribution within the meaning of the Companies Act 2006 s 830: Postal Services Act 2000 s 72(3) (amended by SI 2008/948). Despite this, no part of a reserve to which amounts have been allocated are to count as an undistributable reserve of Royal Mail Holdings plc for the purposes of the Companies Act 2006 s 831(4)(d): Postal Services Act 2000 s 72(4) (amended by SI 2008/948). For the purpose of determining whether Royal Mail Holdings plc may make a distribution at any time, any amount for the time being standing to the credit of its reserve, excluding any amount which by virtue of s 72(3) above is authorised to be, but has not yet been, applied as if it were profits available for distribution, is to be treated for the purposes of the Companies Act 2006 s 831(4)(c) as if it were unrealised profits of the company: Postal Services Act 2000 s 72(5) (amended by SI 2008/948).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/(vi) Post Office Users' Councils/54. Special duty in relation to banking service.

54. Special duty in relation to banking service.

So long as the Post Office provides a banking service in the exercise of its statutory power to do so¹, it must ensure that at all times the sums owed by it to customers of that service are matched by assets of certain classes².

1 Ie under the Post Office Act 1969 s 7(1)(b): see PARA 18 ante.

2 See ibid s 41, Sch 2. The Post Office does not currently offer banking services, as it disposed of its banking service through the sale of Girobank plc in 1990 although it is empowered to do so under s 7(1)(b): see PARA 77 post.

UPDATE

54 Special duty in relation to banking service

TEXT AND NOTES--1969 Act ss 7, 41, Sch 2 repealed: Postal Services Act 2000 Sch 9.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/ (ii) The Commencing Capital Debt of the Post Office/55. The commencing capital debt of the Post Office.

(ii) The Commencing Capital Debt of the Post Office

55. The commencing capital debt of the Post Office.

On 1 October 1969¹, the Post Office assumed a debt due to the Minister of Posts and Telecommunications². The amount of the debt (referred to as 'the commencing capital debt') was the excess of the aggregate of:

- (1) the amounts outstanding immediately before that day of the Exchequer advances made by the Treasury to the Postmaster General³; and
- (2) the amount then outstanding in respect of liabilities of the former Post Office on capital account to the Exchequer and interest on it⁴;

over the aggregate of:

- (a) the net book value of all chattels and corporeal movables used or appropriated for use by the Postmaster General immediately before the appointed day on which he had incurred capital expenditure but which did not vest in the Post Office⁵; and
- (b) the aggregate of the sums of which the Post Office is entitled to credit under statutory provisions⁶.

The rate of interest on the debt, the date from which interest began to accrue, the arrangements for payment off of principal and the other terms of the debt were such as the Secretary of State, with Treasury approval, from time to time determined⁷.

All outstanding capital debt was repaid by 1 November 1988.

1 Ie the appointed day for the purposes of the Post Office Act 1969: see s 1(1) (repealed); Post Office Act 1969 (Appointed Day) Order 1969, SI 1969/1066.

2 Post Office Act 1969 s 33(1). As to the dissolution of the Ministry of Posts and Telecommunications and the transfer of the minister's functions to the Secretary of State see PARA 1 text and note 6 ante.

3 Ibid s 33(1)(a).

4 Ibid s 33(1)(b).

5 Ibid s 33(1)(i). 'Net book value', for these purposes, means, in relation to chattels and corporeal movables, the value of them (after deducting depreciation) as shown in the books by reference to which the final statement of accounts is prepared: s 33(4).

6 Ibid s 33(1)(ii).

7 Ibid s 33(2) (s 33(2), (3) amended by virtue of the Ministry of Posts and Telecommunications (Dissolution) Order 1974, SI 1974/691, arts 2, 3(3)). Any sums received by the Secretary of State by way of interest on, or repayment of, the debt was to be paid into the National Loans Fund: Post Office Act 1969 s 33(3) (as so amended). As to the National Loans Fund see CONSTITUTIONAL LAW AND HUMAN RIGHTS vol 8(2) (Reissue) PARA 727 et seq; FINANCIAL SERVICES AND INSTITUTIONS vol 49 (2008) PARA 1334.

UPDATE**55 The [capital debt of Royal Mail Holdings plc]**

TEXT AND NOTES--Replaced.

The Secretary of State may, after obtaining the consent of the Treasury and consulting with Consignia plc¹, direct that Consignia plc is taken to have assumed a debt to the Secretary of State of such amount as may be specified in the direction². The terms of any such debt, including the terms as to the payment of interest and repayment, are to be such as the Secretary of State may from time to time determine³. Consignia plc must issue such debt securities⁴ of the company as the Secretary of State may direct; and any such securities must, as the Secretary of State may direct, be issued to the Treasury or the Secretary of State⁵.

1 Ie the company nominated for the purposes of the Postal Services Act 2000 s 62 by the Post Office Company (Nomination and Appointed Day) Order 2001, SI 2001/8, art 3: see further PARA 3.

2 Postal Services Act 2000 s 74(1), (7).

3 Ibid s 74(2).

4 'Debt securities' means any instrument creating or acknowledging indebtedness which is issued by a company including, in particular, debentures, loan stock, bonds and certificates of deposit: *ibid* s 74(8).

5 *Ibid* s 74(3). Such debt securities must be issued at such time or times, and on such terms, as the Secretary of State may direct: s 74(4). The provisions of s 74(3), (4) are without prejudice to any power conferred by s 63 (see PARA 55A): s 74(5). Securities may be issued to an appointed nominee of the Treasury or the Secretary of State who must hold and deal with them, or any of them, on such terms and in such manner as the Treasury or, with the consent of the Treasury, the Secretary of State may direct: s 79(2)(a), (3).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/ (ii) The Commencing Capital Debt of the Post Office/55A. Royal Mail Holdings plc: government holdings.

55A. Royal Mail Holdings plc: government holdings.

Royal Mail Holdings plc¹ or any of its wholly owned subsidiaries must issue such securities² of the company or subsidiary concerned as the Secretary of State may direct, and any such securities must, as the Secretary of State may direct, be issued to the Treasury or the Secretary of State³.

If the Secretary of State gives such a direction for the purpose of requiring an issue of shares or share rights⁴ for which prior approval⁵ has been given, the shares or share rights concerned must be issued to the person approved⁶. If the Secretary of State gives such a direction for the purpose of requiring a relevant subsidiary⁷ to issue shares or share rights in it to Royal Mail Holdings plc or to another relevant subsidiary of which it is a subsidiary, the shares or share rights concerned must be issued to Royal Mail Holdings plc or, as the case may be, to the other relevant subsidiary⁸.

The Secretary of State must not give a direction without the consent of the Treasury or at a time when Royal Mail Holdings plc is not wholly owned by the Crown⁹. Securities to be issued are issued at such time or times, and on such terms, as the Secretary of State may direct¹⁰.

Any shares issued must be of such nominal value as the Secretary of State may direct, and must be issued as fully paid and treated¹¹ as if they had been paid up by virtue of payment of their nominal value in cash¹².

The Treasury or, with the consent of the Treasury, the Secretary of State may at any time acquire securities of Royal Mail Holdings plc or of any of its subsidiaries¹³. The Secretary of State must not, without the consent of the Treasury, dispose of any securities so acquired by him¹⁴.

1 Ie the company nominated for the purposes of the Postal Services Act 2000 s 62 by the Post Office Company (Nomination and Appointed Day) Order 2001, SI 2001/8, art 3: see further PARA 3.

2 'Securities', in relation to a company, includes shares, debt securities and other securities of the company, whether or not constituting a charge on the assets of the company, and the right to subscribe for, or to acquire, such securities and any other rights in connection with such securities: Postal Services Act 2000 s 82(1).

3 Ibid s 63(1), (2). Securities may be issued to an appointed nominee of the Treasury or the Secretary of State who must hold and deal with them, or any of them, on such terms and in such manner as the Treasury or, with the consent of the Treasury, the Secretary of State may direct: s 79(2)(a), (3).

4 'Share rights' means, in relation to any shares, rights to subscribe for, or to acquire, the shares and any other rights in connection with the shares: ibid s 82(1).

5 Prior approval is given if the proposed issue or disposal is approved by a resolution of each House of Parliament passed on a motion moved by or on behalf of the Secretary of State: ibid s 67(1). The motion must, in particular, specify the size and nature of the proposed issue or disposal, the person to whom the proposed issue or disposal is to be made, and the purpose of the proposed issue or disposal: s 67(2). No such motion is to be moved by or on behalf of the Secretary of State in relation to a proposed issue or disposal of shares or share rights in Royal Mail Holdings plc, or a relevant subsidiary of it, unless (1) Royal Mail Holdings plc has agreed to be a party to a joint venture, or another arrangement for working together with another person, which Royal Mail Holdings plc considers to be in its commercial interests; (2) the arrangement includes the proposed issue or disposal; (3) Royal Mail Holdings plc has recommended to the Secretary of State that the proposed issue or disposal take place; (4) the Secretary of State is satisfied that the proposed issue or disposal is for the purpose of securing the arrangement in question and that the arrangement is in the commercial interests of Royal Mail Holdings plc; and (5) the Treasury have given their consent to the proposed issue or disposal: s 67(3), (4).

6 Ibid s 63(3).

7 'Relevant subsidiary' means any subsidiary of Royal Mail Holdings plc which (1) delivers relevant postal packets in the United Kingdom; (2) collects relevant postal packets from access points in the United Kingdom; (3) receives, sorts or conveys relevant postal packets in the United Kingdom; or (4) provides a registered post service in the United Kingdom, and any other subsidiary of Royal Mail Holdings plc which holds shares or share rights in, or is connected to, any such subsidiary: ibid s 63(8). For the meaning of 'access point, and relevant postal packets' see PARA 24. A subsidiary of Royal Mail Holdings plc is connected to another such subsidiary which falls within any of heads (1)-(4) above ('the operating subsidiary') if it forms part of a chain of subsidiaries of Royal Mail Holdings plc which leads to the operating subsidiary and which is identified by the fact that each member of the chain holds shares or share rights in the next subsidiary in the chain: s 63(9).

8 Ibid s 63(4).

9 Ibid s 63(5). See further PARA 3.

10 Ibid s 63(6).

11 Ie for the purposes of Companies Act 2006.

12 2000 Act s 63(7) (amended by SI 2009/1941).

13 2000 Act s 64(1). A nominee of the Treasury or the Secretary of State appointed for the purposes of s 64 may acquire securities and the nominee must hold and deal with them, or any of them, on such terms and in

such manner as the Treasury or, with the consent of the Treasury, the Secretary of State may direct: s 79(2)(b), (3).

14 Ibid s 64(2). This provision does not apply to any disposal which is excepted from s 66(1) or (2) by virtue of s 66(3) or (5) (see PARA 55B): s 64(3).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/ (ii) The Commencing Capital Debt of the Post Office/55B. Royal Mail Holdings plc: restrictions on dealings.

55B. Royal Mail Holdings plc: restrictions on dealings.

No shares or share rights¹ in Royal Mail Holdings plc² will be issued on or after 26 March 2001³ unless they are issued to the Treasury, the Secretary of State or any nominee of either of them, or the issue is one for which prior approval⁴ has been given⁵. No shares or share rights in any relevant subsidiary⁶ of Royal Mail Holdings plc will be issued on or after 26 March 2001 unless they are issued to the Treasury, the Secretary of State or any nominee of either of them, they are issued to Royal Mail Holdings plc or any other relevant subsidiary of which the relevant subsidiary concerned is a subsidiary or any nominee of Royal Mail Holdings plc or of the other relevant subsidiary, or the issue is one for which prior approval has been given⁷.

Neither the Treasury nor the Secretary of State nor any nominee of either of them must, on or after 26 March 2001, dispose of any of the issued shares or any share rights in Royal Mail Holdings plc or any relevant subsidiary which are held by him⁸. Neither Royal Mail Holdings plc nor any subsidiary of it nor any nominee of it or subsidiary must, on or after 26 March 2001, dispose of any of the issued shares or any share rights in a relevant subsidiary which are held by Royal Mail Holdings plc, subsidiary or nominee concerned⁹. The foregoing provisions do not apply in relation to any disposal for which prior approval has been given¹⁰.

1 For the meaning of 'share rights' see PARA 55A NOTE 4.

2 Ie the company nominated for the purposes of the Postal Services Act 2000 s 62 by the Post Office Company (Nomination and Appointed Day) Order 2001, SI 2001/8, art 3: see further PARA 3 ante.

3 Ie the day appointed by ibid art 4.

4 For the meaning of 'prior approval' see PARA 55A NOTE 5.

5 2000 Act s 65(1).

6 For the meaning of 'relevant subsidiary' see PARA 55A NOTE 7.

7 2000 Act s 65(2).

8 Ibid s 66(1). This provision does not apply in relation to any disposal by the Treasury, the Secretary of State or a nominee of either of them to any such person: s 66(3).

9 Ibid s 66(2). This provision does not apply in relation to any disposal by Royal Mail Holdings plc, any subsidiary of it or any nominee of it or subsidiary to any other such person: s 66(4).

10 Ibid s 66(5).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/(iii) Borrowing Powers/56. Power to borrow temporarily.

(iii) Borrowing Powers

56. Power to borrow temporarily.

The Post Office may borrow¹ temporarily, by way of overdraft or otherwise, (1) in sterling from the Secretary of State²; or (2) with the consent of the Secretary of State and the approval of the Treasury, in sterling or a currency other than sterling from a person other than the Secretary of State, such sums as may be required for meeting the obligations and discharging the functions of the Post Office or any of its wholly-owned subsidiaries³.

1 References in the British Telecommunications Act 1981 ss 73, 74 to borrowing by the Post Office do not include references to receiving any money in its capacity as the provider of any services or the supplier of any apparatus, or using money received in that capacity: s 73(5).

2 As to the Secretary of State see PARA 1 note 6 ante.

3 British Telecommunications Act 1981 s 73(1). For the meaning of 'wholly-owned subsidiary' see PARA 19 note 1 ante. As to the limitation of borrowing see PARA 60 post. As to the power of the Secretary of State to lend see PARA 61 post. As to Treasury guarantees see PARA 62 post.

UPDATE

56-58 Power to borrow temporarily ... Consent and approval for borrowing

Repealed: Postal Services Act 2000 Sch 9.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/(iii) Borrowing Powers/57. Power to borrow otherwise than by way of temporary loan.

57. Power to borrow otherwise than by way of temporary loan.

The Post Office may borrow¹ (otherwise than by way of temporary loan) in sterling from the Secretary of State², or, with his consent and Treasury approval, in sterling or another currency, from a person other than the Secretary of State, such sums as may be required by the Post Office or any of its wholly-owned subsidiaries³ for all or any of the following purposes⁴:

- (1) provision of money for meeting any expenses incurred by the Post Office or any of its subsidiaries in connection with any works the cost of which is properly chargeable to capital account⁵;
- (2) provision of working capital required by it or by any of its subsidiaries⁶;
- (3) subscription for, or acquisition of, securities of an incorporated company or other body corporate, promotion of the formation of an incorporated company or participation in the promotion of such a company or acquisition of an undertaking or part of an undertaking⁷;

- (4) and repayment of money borrowed by it or any such subsidiary and repayment of any sums issued by the Treasury in fulfilment of a guarantee under the Post Office Act 1969⁸;
- (5) repayment of any part of the debt assumed by the Post Office under its commencing capital debt⁹;
- (6) any other purpose for which capital moneys are properly applicable¹⁰.

1 As to references to borrowing by the Post Office see PARA 56 note 1 ante.

2 As to the Secretary of State see PARA 1 note 6 ante.

3 For the meaning of 'wholly-owned subsidiary' see PARA 19 note 1 ante.

4 British Telecommunications Act 1981 s 73(2).

5 Ibid s 73(3)(a).

6 Ibid s 73(3)(b).

7 Ibid s 73(3)(c).

8 Ibid s 73(3)(d). The Treasury guarantee mentioned in the text is made under the Post Office Act 1969 s 38 (as amended); see PARA 62 post.

9 British Telecommunications Act 1981 s 73(3)(e). As to the commencing capital debt of the Post Office see the Post Office Act 1969 s 33 (as amended); and PARA 55 ante.

10 British Telecommunications Act 1981 s 73(3)(f).

UPDATE

56-58 Power to borrow temporarily ... Consent and approval for borrowing

Repealed: Postal Services Act 2000 Sch 9.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/(iii) Borrowing Powers/58. Consent and approval for borrowing.

58. Consent and approval for borrowing.

The Post Office may borrow¹ from any of its wholly-owned subsidiaries² without any consent, approval or other authority³. However, it is the duty of the Post Office to secure that none of its wholly-owned subsidiaries borrows otherwise than from the Post Office or from another of its wholly-owned subsidiaries except with the consent of the Secretary of State⁴ and the approval of the Treasury⁵. A person lending money to the Post Office is not bound to inquire whether the borrowing of the money is legal or regular or whether the money raised was properly applied and is not prejudiced by any illegality or irregularity or by the misapplication or non-application of any of the money⁶.

1 As to references to borrowing by the Post Office see PARA 56 note 1 ante.

2 For the meaning of 'wholly-owned subsidiary' see PARA 19 note 1 ante.

- 3 British Telecommunications Act 1981 s 73(4).
- 4 As to the Secretary of State see PARA 1 note 6 ante.
- 5 British Telecommunications Act 1981 s 73(6).
- 6 Ibid s 73(7).

UPDATE

56-58 Power to borrow temporarily ... Consent and approval for borrowing

Repealed: Postal Services Act 2000 Sch 9.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/(iii) Borrowing Powers/59. Public dividend capital in respect of banking services.

59. Public dividend capital in respect of banking services.

The Secretary of State¹, with Treasury approval², may from time to time pay to the Post Office out of money provided by Parliament such sums (referred to as 'public dividend capital'³) to be used by it for the purposes of its banking services, as he thinks fit⁴. However, the post office does not currently offer banking services as it disposed of its banking service through the sale of Girobank plc in 1990.

- 1 As to the Secretary of State see PARA 1 note 6 ante.
- 2 Post Office (Banking Services) Act 1976 s 3(7).
- 3 Ibid s 3(2) (amended by the British Telecommunications Act 1981 s 89, Sch 6 Pt II). As to the public dividend capital received by the Post Office on 1 April 1975 see the Post Office (Banking Services) Act 1976 s 3(6).
- 4 Ibid s 3(1). In consideration of receiving public dividend capital the Post Office makes payments (public dividends) of such amounts as may be proposed by the Post Office and agreed by the Secretary of State or such other amounts as he may determine after consultation with the Post Office: see s 3(3). In proposing, agreeing or determining the amounts of public dividends the Post Office and the Secretary of State must have regard to the financial results of the banking services provided by the Post Office: s 3(4). The Secretary of State must pay any public dividends received by him into the Consolidated Fund: s 3(5). As to the Consolidated Fund see CONSTITUTIONAL LAW AND HUMAN RIGHTS vol 8(2) (Reissue) PARA 711 et seq; PARLIAMENT vol 78 (2010) PARA 1028 et seq.

UPDATE

59 Public dividend capital in respect of banking services

TEXT AND NOTES--Repealed: Postal Services Act 2000 Sch 9.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/(iii) Borrowing Powers/60. Limitation of borrowing powers.

60. Limitation of borrowing powers.

The Post Office has no power to borrow money, except in accordance with the power contained in the British Telecommunications Act 1981¹. The amounts it may borrow in accordance with the statutory power and the amounts of public dividend capital² which may be paid to it by the Secretary of State³ are subject to the limitation that the aggregate of:

- (1) the amount outstanding, otherwise than by way of interest, in respect of:
 - (a) the money borrowed by the Post Office or any of its wholly-owned subsidiaries (other than money borrowed on excluded loans)⁴; (b) sums issued by the Treasury in fulfilment of guarantees⁵; and (c) the debt assumed by the Post Office as commencing capital debt⁶; and
 - (2) sums received by the Post Office as public dividend capital⁷,

must not at any time exceed £1,200 million, or such greater sum, not exceeding £1,700 million as the Secretary of State may from time to time specify by order⁸.

1 British Telecommunications Act 1981 s 74(1). The power is contained in s 73 (see PARAS 56-58 ante).

2 As to payments of public dividend capital see PARA 59 ante.

3 As to the Secretary of State see PARA 1 note 6 ante.

4 British Telecommunications Act 1981 s 74(2)(a)(i). A loan is an excluded loan for these purposes if it consists of money borrowed by the Post Office from one of its wholly-owned subsidiaries, or by one of its wholly-owned subsidiaries from another such subsidiary or from the Post Office: s 74(3). For the meaning of 'wholly-owned subsidiary' see PARA 19 note 1 ante.

5 Ibid s 74(2)(a)(ii). As to Treasury guarantees under the Post Office Act 1969 s 38 see PARA 62 post.

6 British Telecommunications Act 1981 s 74(2)(a)(iii). As to commencing capital debt under the Post Office Act 1969 s 33 see PARA 55 ante.

7 Ibid s 74(2)(b). As to public dividend capital under the Post Office (Banking Services) Act 1976 s 3(1) see PARA 59 ante.

8 British Telecommunications Act 1981 s 74(2). Such an order is to be made by statutory instrument, and no order may be made unless a draft of it has been approved by a resolution of the House of Commons: s 74(4).

UPDATE

60 Limitation of borrowing powers

TEXT AND NOTES--British Telecommunications Act 1981 s 74 repealed: Postal Services Act 2000 Sch 9.

The Secretary of State and the Treasury must exercise their powers under or by virtue of the Postal Services Act 2000 so as to ensure that, on and after 23 March 2001, the Crown's financial arrangements with Royal Mail Holdings plc (see PARA 3) and any of its subsidiaries do not at any time exceed £5,000m or such greater sum as the Secretary of State may by order specify: s 71(1). The Crown's financial arrangements with Royal Mail Holdings plc and any of its subsidiaries are the aggregate of (1) amounts outstanding in respect of the principal of loans made under the Post Office Act 1969 s

37 (repealed); (2) amounts outstanding, otherwise than by way of interest, in respect of sums paid by the Treasury in fulfilment of guarantees given under s 38 (repealed); (3) amounts outstanding in respect of the principal of loans made under the Postal Services Act 2000 68 (see PARA 61); (4) amounts outstanding, otherwise than by way of interest, in respect of sums paid by the Secretary of State in fulfilment of guarantees given under s 69 (see PARA 62); (5) amounts outstanding in respect of the principal of debt securities issued in pursuance of s 63 (see PARA 55A); and (6) liabilities extinguished under s 70 (see PARA 62) so far as they are not replaced with corresponding liabilities: s 71(2).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/(iii) Borrowing Powers/61. Loans by the Secretary of State to the Post Office.

61. Loans by the Secretary of State to the Post Office.

With Treasury approval, the Secretary of State¹ may lend to the Post Office any sums which it has statutory power to borrow². Such loans must be repaid at such times and by such methods, and interest on them is to be paid at such rates and at such times, as, with Treasury approval, he may from time to time direct³.

1 As to the Secretary of State see PARA 1 note 6 ante.

2 Post Office Act 1969 s 37(1) (amended by the British Telecommunications Act 1981 s 87, Sch 3 Pt II para 51(3); and by virtue of the Ministry of Posts and Telecommunications (Dissolution) Order 1974, SI 1974/691, arts 2, 3(3)). The statutory borrowing power is contained in the British Telecommunications Act 1981 s 73(1), (2): see PARAS 56-57 ante. As to the limitation of such borrowing power see PARA 60 ante.

3 Post Office Act 1969 s 37(2). The Treasury may issue out of the National Loans Fund the sums necessary for loans under s 37(1) (s 37(3)), and sums received in repayment and as interest must be paid into that fund (s 37(4)). As to the National Loans Fund see CONSTITUTIONAL LAW AND HUMAN RIGHTS vol 8(2) (Reissue) PARAS 727-739; FINANCIAL SERVICES AND INSTITUTIONS vol 49 (2008) PARA 1334.

UPDATE

61 Loans by the Secretary of State to [Royal Mail Holdings plc]

TEXT AND NOTES--Replaced.

The Secretary of State may, on or after the 26 March 2001¹ and with the approval of the Treasury, make loans to Royal Mail Holdings plc² or any of its subsidiaries³. While interest must be paid on such loans at such rates as the Secretary of State may, with the approval of the Treasury, direct, the loans may be on such terms as are agreed between the Secretary of State and the company to which the loan is made, and approved by the Treasury⁴. The terms must, in particular, include provision as to the times and methods of payment of the principal and interest⁵.

1 Ie the day appointed by the Post Office Company (Nomination and Appointed Day) Order 2001, SI 2001/8, art 4.

2 Ie the company nominated for the purposes of the Postal Services Act 2000 s 62 by the Post Office Company (Nomination and Appointed Day) Order 2001, SI 2001/8, art 3: see further PARA 3.

3 Postal Services Act 2000 s 68(1). The power includes power to make loans in currencies other than sterling: s 68(5). The Treasury may issue out of the National Loans Fund the necessary sums (s 68(6), and sums received in repayment and as interest must be paid into that fund (s 68(8)). Such sums may be issued in sterling or, where the loan is to be in a currency other than sterling, in that currency or in sterling: s 68(7). As to the National Loans Fund see CONSTITUTIONAL LAW AND HUMAN RIGHTS vol 8(2) (Reissue) PARAS 727-739; FINANCIAL SERVICES AND INSTITUTIONS vol 49 (2008) PARA 1334.

4 2000 Act s 68(2), (3).

5 Ibid s 68(4).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/(iii) Borrowing Powers/62. Treasury guarantees of loans to the Post Office.

62. Treasury guarantees of loans to the Post Office.

The Treasury may guarantee, in such manner and on such conditions as it thinks fit, the repayment of the principal of, and the payment of interest on and the discharge of any other financial obligation in connection with, any sums which the Post Office borrows from a person other than the Secretary of State¹. If any sums are issued² in fulfilment of such a guarantee, the Post Office must make to the Treasury, at such times and in such manner as the Treasury may from time to time direct, payments of such amounts as it may so direct in or towards repayment of the sums so issued and payments of interest on the amounts outstanding in respect of such sums at such rate as it may so direct³.

1 Post Office Act 1969 s 38(1) (amended by the Miscellaneous Financial Provisions Act 1983 s 4, Sch 2; and by virtue of the Ministry of Posts and Telecommunications (Dissolution) Order 1974, SI 1974/691, arts 2, 3(3)). As to the Secretary of State see PARA 1 note 6 ante. Immediately after a guarantee is given, the Treasury must lay a statement before each House of Parliament: Post Office Act 1969 s 38(2).

2 Sums required for fulfilling a guarantee must be charged on and issued out of the Consolidated Fund: ibid s 38(3). As to the Consolidated Fund see CONSTITUTIONAL LAW AND HUMAN RIGHTS vol 8(2) (Reissue) PARA 711 et seq; PARLIAMENT vol 78 (2010) PARA 1028 et seq.

3 Ibid s 38(4). Sums received from the Post Office by the Treasury are to be paid into the Consolidated Fund: s 38(5). If any sum is issued for fulfilment of a guarantee, the Treasury must lay a statement before each House of Parliament as soon as possible after the end of each financial year, beginning with the year in which the sum is issued and ending with that in which all liability in respect of the sum and interest on it is discharged: s 38(2).

UPDATE

62 Treasury guarantees of loans to the Post Office

TEXT AND NOTE--1969 Act s 38 replaced by the Postal Services Act 2000 s 69.

The Secretary of State may, on or after 26 March 2001, by order extinguish all or any of the liabilities of Royal Mail Holdings plc (ie, the company to which all the property, rights and liabilities of the Post Office have passed: see PARA 3) or of any of its subsidiaries in respect of such sums paid by the Treasury, in fulfilment of guarantees given under the 1969 Act s 38, as may be specified in the order, or such sums paid by the Secretary of State, in fulfilment of guarantees given under the Postal Services Act 2000 s 69, as may be specified in the order: s 70(1). The Secretary of State may, on or after 26 March 2001, by order extinguish such liabilities to him of Royal Mail Holdings

plc or of any of its subsidiaries as may be specified in the order; but the order must not specify liabilities which may be extinguished under s 70(1), or relate to taxes, duties or fines: s 70(2). Before exercising any such power, in relation to liabilities of Royal Mail Holdings plc, the Secretary of State must consult that company, and, in relation to liabilities of a subsidiary of Royal Mail Holdings plc, the Secretary of State must consult it and the subsidiary: s 70(3), (4). The Secretary of State may not exercise any such power without the consent of the Treasury: s 70(6).

NOTE 2--1969 Act s 38(2) repealed and not replaced (see TEXT AND NOTES).

NOTE 3--1969 Act s 38(4) now Postal Services Act 2000 s 69(3). 1969 Act s 38(5) repealed and not replaced (see TEXT AND NOTES). 1969 Act s 38(2) now Postal Services Act 2000 s 69(4). In addition, any statement under s 69(4) must include a statement of any amounts received by the Secretary of State during the financial year concerned in or towards repayment of, or as interest in respect of, sums paid by him in fulfilment of any guarantee, and any amounts outstanding at the end of that year in respect of sums so paid by the Secretary of State: s 69(5).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/(iii) Borrowing Powers/63. Accounts of the Secretary of State of Post Office indebtedness.

63. Accounts of the Secretary of State of Post Office indebtedness.

As respects each financial year, the Secretary of State¹ must prepare, in such form and manner as the Treasury may direct, an account of the following sums and of the disposal of them by him: sums received by him from the Post Office by way of interest on, or payment of the principal of, the commencing capital debt² or loans made to the Post Office³; sums issued to him to enable him to make such loans⁴; and sums paid by him⁵ as public dividend capital or received as public dividends⁶. He must send the account not later than the end of November following the financial year to the Comptroller and Auditor General⁷, who must examine, certify and report on it and lay copies of it, together with his report, before each House of Parliament⁸.

1 As to the Secretary of State see PARA 1 note 6 ante.

2 Ie under the Post Office Act 1969 s 33(3): see PARA 55 ante.

3 Ie under ibid s 37: see PARA 61 ante.

4 Ie under ibid s 37(3): see PARA 61 ante.

5 Ie under the Post Office (Banking Services) Act 1976: see PARA 59 ante.

6 Post Office Act 1969 s 39 (amended by the Post Office (Banking Services) Act 1976 s 5; and by virtue of the Ministry of Posts and Telecommunications (Dissolution) Order 1974, SI 1974/691, arts 2, 3(3)).

7 As to the Comptroller and Auditor General see CONSTITUTIONAL LAW AND HUMAN RIGHTS vol 8(2) (Reissue) PARAS 724-726.

8 Post Office Act 1969 s 39 (as amended: see note 6 supra).

UPDATE

63 Accounts of the Secretary of State of Post Office indebtedness

TEXT AND NOTES--1969 Act s 39 replaced by Postal Services Act 2000 s 76(1)-(3).

TEXT AND NOTES 1-6--Now, as respects each financial year, the Secretary of State must prepare, in such form and manner as the Treasury may direct, an account of the following sums and of the disposal of them by him: sums received by him from Royal Mail Holdings plc by way of interest on, or payment of the principal of, loans made to it; and sums issued to him to enable him to make such loans: *ibid* s 76(1). As to Royal Mail Holdings plc see PARA 3.

NOTES 3, 4--1969 Act s 37 now Postal Services Act 2000 s 68, PARA 61.

NOTE 8--1969 Act s 39 now Postal Services Act 2000 s 76(2), (3).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/(iii) Borrowing Powers/64. Accounts of the Post Office and audit.

64. Accounts of the Post Office and audit.

The Post Office must keep proper accounts and other records¹ and must prepare in respect of each accounting year² a statement of accounts giving a true and fair view of the state of affairs and profit or loss of the Post Office³. It must also prepare in respect of each accounting year such a statement or statements of consolidated accounts dealing with, and giving a true and fair view of the state of affairs and profit or loss of: (1) the Post Office and all of its subsidiary undertakings⁴ ('the group'); or (2) some but not all the members of the group, as the Post Office may determine and the Secretary of State⁵ and the Treasury may for the time being approve⁶.

Every statement of accounts prepared by the Post Office must comply with any requirement which the Secretary of State has, after consultation with the Post Office and with the consent of the Treasury, notified in writing to the Post Office relating to: (a) the information to be contained in the statement⁷; (b) the manner in which that information is to be presented⁸; and (c) the methods and principles according to which the statement is to be prepared⁹.

The accounts kept, and all statements prepared, by the Post Office under these provisions must be audited by auditors appointed for each accounting year by the Secretary of State after consultation with the Post Office¹⁰. As soon as the accounts and statements have been audited, the Post Office must send to the Secretary of State: (i) a copy of the statements¹¹; (ii) copies of the statements of accounts for such of its subsidiaries as the Post Office may, with the approval of the Secretary of State and the consent of the Treasury, determine¹²; and (iii) if the Secretary of State with the consent of the Treasury so requires by notice in writing, copies of the statements of accounts for each subsidiary of the Post Office which is specified in the notice¹³. These must be sent to the Secretary of State together with a copy of any report made by the auditors on the statements or on the accounts of the Post Office; and the Secretary of State must lay a copy of every statement and report of which a copy is received before each House of Parliament¹⁴.

1 British Telecommunications Act 1981 s 75(1)(a). The records of the Post Office are public records: see the Post Office Act 1969 s 75.

2 For the meaning of 'accounting year' see PARA 32 note 1 ante.

3 British Telecommunications Act 1981 s 75(1)(b). As to the taxation of the Post Office's profits and capital gains see the Post Office Act 1969 s 74(2) (amended by the Capital Gains Tax Act 1979 s 157(2), Sch 7 para 8(b), Table Pt II; and the Taxation of Chargeable Gains Act 1992 s 290(1), Sch 10 para 1).

4 ie subsidiary undertakings within the meaning of the Companies Act 1985 Pt VII (ss 221-262A) (as amended): see COMPANIES vol 14 (2009) PARA 25.

5 As to the Secretary of State see PARA 1 note 6 ante.

6 British Telecommunications Act 1981 s 75(1)(c). If the Secretary of State with the consent of the Treasury so requires the Post Office by notice in writing, the Post Office must, in respect of any accounting year to which the notice relates, comply with its obligation under s 75(1)(c), so far as it relates to those members of the group which are specified in the notice, by preparing a statement of consolidated accounts dealing with the members of the group specified in the notice and giving a true and fair view of their state of affairs and profit or loss: s 75(2).

7 Ibid s 75(3)(a). Subject to any such requirement notified to the Post Office under s 75(3), in preparing any statement of accounts the Post Office must follow, with respect to each of the matters specified in heads (a)-(c) in the text, such course as may for the time being be approved by the Secretary of State with the consent of the Treasury: s 75(4).

8 Ibid s 75(3)(b); and see note 7 supra.

9 Ibid s 75(3)(c); and see note 7 supra.

10 Ibid s 75(6). A person is not qualified for appointment under s 75(6) unless he is a member of one or more bodies of accountants established in the United Kingdom and for the time being recognised for the purposes of the Companies Act 1989 Pt II (ss 24-54) (see COMPANIES) by the Secretary of State; but a Scottish firm may be so appointed if each of the partners in it is qualified to be so appointed: British Telecommunications Act 1981 s 75(7); Interpretation Act 1978 s 17(2)(a). For the meaning of 'United Kingdom' see PARA 18 note 1 ante.

11 British Telecommunications Act 1981 s 75(8)(a).

12 Ibid s 75(8)(b).

13 Ibid s 75(8)(c).

14 Ibid s 75(8).

UPDATE

64 [Statutory accounts of Royal Mail Holdings plc]

TEXT AND NOTES--1981 Act s 75 repealed: Postal Services Act 2000 Sch 9.

For the purposes of any statutory accounts of Royal Mail Holdings plc (see PARA 3) (1) the transfer effected by virtue of s 62 (see PARA 3) is taken to have been a transfer of all the property, rights and liabilities to which the Post Office was entitled or subject immediately before the end of the last accounting year of the Post Office ending before 26 March 2001 and to have been effected immediately after the end of that year; and (2) the value or amount, as at the time of transfer, of any asset or liability of the Post Office so taken to have been transferred to Royal Mail Holdings plc is taken to be the value or, as the case may be, the amount assigned to that asset or liability for the purposes of the corresponding statement of accounts prepared by the Post Office in relation to that year: s 73(1). For the purposes of any statutory accounts of Royal Mail Holdings plc the amount to be included in respect of any item is determined as if anything done by the Post Office, whether by way of acquiring, revaluing or disposing of any asset or incurring, revaluing or discharging any liability, or by carrying any amount to any provision or reserve, or otherwise, had been done by Royal Mail Holdings plc: s 73(2). Accordingly, but without prejudice to the generality of s 73(2) (a) the amount to be included from time to time in any reserves of Royal Mail Holdings plc as representing its accumulated realised profits is determined as if any profits realised and retained by the Post Office had been realised and retained by Royal Mail Holdings plc; and (b) the amount to be included from time to time in any statutory accounts of

Royal Mail Holdings plc as representing its accumulated realised losses is determined as if any losses realised by the Post Office had been realised by Royal Mail Holdings plc: s 73(3). 'Statutory accounts', in relation to Royal Mail Holdings plc, means any accounts of that company prepared for the purposes of any provision of the Companies Act 2006, including group accounts: Postal Services Act 2000 s 73(4).

Royal Mail Holdings plc must send to the Secretary of State a copy of (1) all its annual accounts on which the company's auditors have made a report under the Companies Act 2006 s 495 (see COMPANIES vol 15 (2009) PARA 924), together with a copy of that report, as soon as practicable after the report has been made (Postal Services Act 2000 s 77(1) (amended by SI 2008/948)) and (2) the report prepared by its directors under the Companies Act 2006 s 415 (see COMPANIES vol 15 (2009) PARA 816) in relation to any year which includes the 26 March 2001 or any subsequent year as soon as practicable after the report has been approved and signed under s 419 (see COMPANIES vol 15 (2009) PARA 831) (Postal Services Act 2000 s 77(2) (amended by SI 2008/948)). 'Annual accounts' means annual accounts, within the meaning of the Companies Act 2006 Pt 15 (ss 380-474), which relate to any year which includes the 26 March 2001 or to any subsequent year: Postal Services Act 2000 s 77(4) (amended by SI 2008/948). The Secretary of State must lay a copy of such accounts and reports received by him before each House of Parliament: Postal Services Act 2000 s 77(3).

The Treasury may, on or after 26 March 2001, serve notice on Royal Mail Holdings plc requiring it to supply to the Treasury such information as the Treasury may reasonably require for the performance of its functions in relation to public sector finance, and as may be specified or described in the notice; and specifying the time, place, manner and form in which any such information is to be supplied and the person to whom it is to be supplied: s 78(1). If a person makes default in complying with such a notice, the High Court may, on the application of the Treasury, make such order as it considers appropriate for requiring the default to be made good: s 78(2), (4). Any such order may, in particular, provide that all the costs or expenses of and incidental to the application will be borne by the person in default, or, if officers of a company are responsible for its default, by those officers: s 78(3).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/(iv) Contributions by Local Authorities to, and Indemnities against, Expense of Additional Postal Facilities/65. Indemnity in respect of extended services.

(iv) Contributions by Local Authorities to, and Indemnities against, Expense of Additional Postal Facilities

65. Indemnity in respect of extended services.

The Post Office may contract with or take security from any person applying to it to establish any post¹ or telegraph office, or to extend the accommodations of the postal or telegraphic services to any place, for indemnifying the Post Office against any loss it may sustain thereby².

¹ 'Post office' includes any house, building, room, vehicle or place used for the purposes of the Post Office, and any post office letter box: Post Office Act 1953 s 87(1). 'The purposes of the Post Office' includes any purpose relating to or in connection with the exercise or performance of any powers or duties conferred or imposed by or by virtue of the Post Office Act 1969 on the Post Office: Post Office Act 1953 s 87(1) (amended by virtue of the Post Office Act 1969 s 76, Sch 4 para 2(23)). 'Post office letter box' includes any pillar box, wall box

or other box or receptacle provided by the permission or under the authority of the Postmaster General or the Post Office for the purpose of receiving postal packets or any class of postal packets, for transmission by or under the authority of the Postmaster General or the Post Office: Post Office Act 1953 s 87(1) (amended by virtue of the Post Office Act 1969 Sch 4 para 2(22)). A certificate signed by or on behalf of the Postmaster General or a certificate of the Post Office that any such box or receptacle is or was provided by such permission or under such authority for that purpose is sufficient proof of the facts stated in the certificate unless the contrary is shown: Post Office Act 1953 s 78(2) (amended by the Post Office Act 1961 s 28(1), Schedule; and by virtue of the Post Office Act 1969 Sch 4 para 2(19)). Where it appears to the Post Office that any post office letter box is so situated as not to afford the same security for postal packets as other post office letter boxes, the Post Office may declare it a private posting box (affixing a notice upon or near it), and postal packets subsequently put into that box are not deemed to have been duly posted for the purpose of any enactment, law or contract whereby the due posting of a postal packet is evidence of its receipt by the addressee: Post Office Act 1953 s 78(1) (amended by virtue of the Post Office Act 1969 Sch 4 para 2(19)).

2 Post Office Act 1953 s 50 (amended by the Post Office Act 1969 Sch 4 para 2(11)). The indemnity may be either for the whole or any part of the loss sustained, and for such time as the Post Office may think necessary: Post Office Act 1953 s 50 (as so amended).

UPDATE

65-67 Contributions by Local Authorities to, and Indemnities against, Expense of Additional Postal Facilities

Repealed: Postal Services Act 2000 Sch 9.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/(iv) Contributions by Local Authorities to, and Indemnities against, Expense of Additional Postal Facilities/66. Payment by local authorities of losses incurred in respect of additional offices or facilities.

66. Payment by local authorities of losses incurred in respect of additional offices or facilities.

Where the council of any district, parish¹ or community considers that it would be for the benefit of any place or places within its district or for the benefit of its parish or community, as the case may be², or where the council of a London borough³ considers that it would be beneficial to the inhabitants of the borough, that any post⁴ or telegraph office should be established or any additional postal or other facilities provided by the Post Office⁵, that council may undertake to pay to the Post Office any loss it may sustain by reason of the establishment or maintenance of the office or the provision of the facilities⁶.

1 In the case of a parish not having a parish council, the competent body is the parish meeting: Post Office Act 1953 s 51(3).

2 See ibid s 51(3) (amended by the Local Government Act 1972 ss 179(4), 251(2), 272(1) Sch 29 para 36 Sch 30).

3 See the Post Office Act 1953 s 51(2) (amended by the Local Government Act 1972 Sch 29 para 36 Sch 30).

4 For the meaning of 'post office' see PARA 65 note 1 ante.

5 In relation to a London borough, the office must be established or the facilities provided in or for the purposes of the borough: Post Office Act 1953 s 51(2) (as amended: see note 3 supra). In relation to a district, parish or community, the office may be established or the facilities provided within or outside the area to be benefited: s 51(3) (amended by the Local Government Act 1972 s 179(4)).

6 See the Post Office Act 1953 s 51(2), (3) (amended by the Post Office Act 1969 s 76, Sch 4 para 2(11); and the Local Government Act 1972 s 179(4), Sch 29 para 36 Sch 30). As to the application of the Post Office Act 1953 s 51 (as amended) to Northern Ireland see s 51(6) (amended by the Transfer of Functions (Local Government etc) (Northern Ireland) Order 1973, SR & O 1973/256, art 3, Sch 2); and as its application to the Isle of Man see the Post Office Act 1953 s 51(7).

UPDATE

65-67 Contributions by Local Authorities to, and Indemnities against, Expense of Additional Postal Facilities

Repealed: Postal Services Act 2000 Sch 9.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(2) CONSTITUTION, POWERS AND DUTIES/(iv) Contributions by Local Authorities to, and Indemnities against, Expense of Additional Postal Facilities/67. Contributions by local authorities towards new offices.

67. Contributions by local authorities towards new offices.

Where the council of any borough or of any district considers that it would be beneficial to the inhabitants that any new post office¹ should be on a more expensive site, or of a larger size, or of a more ornate building, or otherwise of a more expensive character than the Post Office would otherwise provide, the council may contribute towards the new post office, either by a grant of money, or, with the consent of the Secretary of State², by the appropriation of land belonging to the council, or by the purchase of land for the purpose³.

1 For the meaning of 'post office' see PARA 65 note 1 ante.

2 The Post Office Act 1953 s 51 refers to the Minister of Housing and Local Government, whose functions were transferred to the Secretary of State by the Secretary of State for the Environment Order 1970, SI 1970/1681, art 2. As to the Secretary of State see PARA 1 note 6 ante.

3 Post Office Act 1953 s 51(1) (amended by virtue of the Post Office Act 1969 s 76, Sch 4 para 2(11); and by the Local Government Act 1972 ss 1(9)-(11), 179(3)). The council of a borough or of a district may borrow for the purpose: Post Office Act 1953 s 51(4) (amended by the Local Government Act 1972 s 179(3)).

UPDATE

65-67 Contributions by Local Authorities to, and Indemnities against, Expense of Additional Postal Facilities

Repealed: Postal Services Act 2000 Sch 9.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(4) LAND/68. Acquisition of land by agreement.

(4) LAND

68. Acquisition of land by agreement.

For the purpose of the acquisition by the Post Office by agreement of land¹ in England or Wales, certain provisions of the Compulsory Purchase Act 1965² apply, so far as they are applicable³. If they think fit, the Chancellor and Council of the Duchy of Lancaster may agree with the Post Office for the sale, and absolutely make sale, for such sum of money as appears to them to be sufficient consideration, of any land belonging to Her Majesty in right of the Duchy of Lancaster which the Post Office seeks to acquire in the exercise of its power in that behalf⁴.

1 For the meaning of 'land' see PARA 20 note 10 ante.

2 Ie the Compulsory Purchase Act 1965 Pt I (ss 1-32) (as amended), except ss 4-8 (as amended), 27 (repealed), 31 (as amended); see COMPULSORY ACQUISITION OF LAND vol 18 (2009) PARA 501 et seq.

3 Post Office Act 1969 s 60(1). As to the power of the Post Office to acquire land see s 7(2)(f); and PARA 20 ante. As to its compulsory purchase powers see PARA 69 post. As compulsory purchase generally see COMPULSORY ACQUISITION OF LAND vol 18 (2009) PARA 501 et seq. As to the effect of the application of what is now the Compulsory Purchase Act 1965 s 10 see *Kirby v School Board for Harrogate*[1896] 1 Ch 437, CA.

4 Post Office Act 1969 s 61. As to the sale of duchy land see CROWN PROPERTY vol 12(1) (Reissue) PARA 308.

UPDATE

68-73 Land

As to the power to place post-boxes in streets see the Postal Services Act 2000 Sch 6 para 1; and PARA 69A.

68 Acquisition of land by agreement

NOTE 3--1969 Act s 60(1) now Postal Services Act 2000 Sch 6 para 6. See further s Sch 5 paras 5-13.

NOTE 4--1969 Act s 61 now Postal Services Act 2000 Sch 6 para 9. Any land acquired by agreement by a universal service provider by virtue of Sch 6 paras 6, 9 is deemed for all purposes to have been acquired by him for the purposes of his undertaking as a universal service provider: Sch 6 para 10. As to the provision of a universal postal service see PARA 24.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(4) LAND/69. Compulsory purchase of land.

69. Compulsory purchase of land.

The Secretary of State¹ may authorise the Post Office to purchase compulsorily any land² in Great Britain³ which is required by it for, or in connection with, the exercise of its powers⁴ or as to which it can reasonably be foreseen that it will be so required⁵. The Acquisition of Land Act 1981⁶ applies to the compulsory purchase of land in England and Wales⁷. The power of compulsory purchase includes power to acquire, by the creation of a new right, an easement or

other right over land, other than land which would, for the purposes of that Act, form part of a common⁸, open space⁹ or fuel or field garden allotment¹⁰.

- 1 As to the Secretary of State see PARA 1 note 6 ante.
- 2 For the meaning of 'land' see PARA 20 note 10 ante.
- 3 For the meaning of 'Great Britain' see PARA 18 note 1 ante.
- 4 As to the powers of the Post Office see PARAS 18-20 ante.
- 5 Post Office Act 1969 s 55(1) (amended by the Acquisition of Land Act 1981 s 34, Sch 6 Pt I; and by virtue of the Ministry of Posts and Telecommunications (Dissolution) Order 1974, SI 1974/691, arts 2, 3(3)).
- 6 The Acquisition of Land Act 1981 consolidates the Land (Authorisation Procedure) Act 1946 (repealed) and provides a procedure for the making of orders authorising the compulsory purchase of land and applies the Compulsory Purchase Act 1965 Pt I (ss 1-32) (as amended) to the acquisition of land so authorised: see COMPULSORY ACQUISITION OF LAND vol 18 (2009) PARA 556.
- 7 The Post Office Act 1969 s 55(1) (as amended) applies the Acquisition of Land Act 1981 to the compulsory acquisition of land by the Post Office: see the Post Office Act 1969 s 55(1) (as amended: see note 5 supra).
- 8 'Common' includes any land subject to be inclosed under the Inclosure Acts 1845 to 1882 and any town or village green: Acquisition of Land Act 1981 s 19(4). As to commons generally see COMMONS.
- 9 'Open space' means any land laid out as a public garden, or used for the purposes of public recreation, or land being a disused burial ground: ibid s 19(4). As to open spaces generally see OPEN SPACES AND COUNTRYSIDE vol 78 (2010) PARA 501 et seq.
- 10 Post Office Act 1969 s 55(2) (amended by the Acquisition of Land Act 1981 Sch 4 para 1). 'Fuel or field garden allotment' means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act: Acquisition of Land Act 1981 s 19(4). As to allotments generally see AGRICULTURAL LAND vol 1 (2008) PARA 510 et seq.

UPDATE

68-73 Land

As to the power to place post-boxes in streets see the Postal Services Act 2000 Sch 6 para 1; and PARA 69A.

69 Compulsory purchase of land

TEXT AND NOTES 1-5--Now the Secretary of State may authorise a universal service provider to purchase compulsorily any land in England and Wales required for any purpose in connection with the provision of a universal postal service: Postal Services Act 2000 Sch 5 Pt I para 1(1). As to the provision of a universal postal service see PARA 24. The power of purchasing land compulsorily includes power to acquire, by creation of a new right, an easement or other right over land: Sch 5 Pt I para 1(2). Any land in England and Wales vested in a universal service provider by virtue of Sch 5 is deemed for all purposes to have been acquired by him for the purposes of his undertaking as a universal service provider: Sch 5 Pt I para 1(3).

NOTE 7--1969 Act s 55(1) now Postal Services Act 2000 Sch 5 para 4(1).

TEXT AND NOTES 8-10--Replaced by ibid Sch 5 para 1(2): see TEXT AND NOTES 1-5.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(4) LAND/69A. Power to place post-boxes in streets.

69A. Power to place post-boxes in streets.

A universal service provider¹ may, for any purpose in connection with the provision of a universal postal service², execute in a street³ works of any of the following kinds⁴:

- (1) placing a universal postal service letter box⁵ or a universal postal service pouch-box⁶ in a street;
- (2) inspecting, maintaining, adjusting, repairing, altering or renewing such apparatus⁷ which has been so placed, changing its position or removing it; or
- (3) works needed for, or incidental to, the purposes of any works falling within head (1) or (2) above, including, in particular, breaking up or opening a street⁸.

A universal service provider is authorised to execute works of any of the kinds mentioned in heads (1)-(3) above without obtaining any consent which would otherwise be required to be given by the street authority⁹ in its capacity as such and, in the case of a maintainable highway¹⁰, in its capacity as owner¹¹. However, the universal service provider concerned is not freed from obtaining any other consent, licence or permission which may be required¹².

1 For the meaning of 'universal service provider' see PARA 24.

2 As to the provision of a universal postal service see PARA 24.

3 For the meaning of 'street' see HIGHWAYS, STREETS AND BRIDGES vol 21 (2004 Reissue) PARA 64 NOTE 12. References to doing anything in a street are construed as including references to doing anything under, over, across, along or upon the street: Postal Services Act 2000 Sch 6 para 1(9).

4 Ibid Sch 6 para 1(1).

5 For the meaning of 'universal postal service letter box' see PARA 178.

6 'Universal postal service pouch-box' means any box or receptacle provided by a universal service provider for the temporary storage of postal packets in the course of transmission by post pending their collection for immediate delivery by a person who is in the course of delivering postal packets in connection with the provision of a universal postal service: Postal Services Act 2000 Sch 6 para 1(10). For the meaning of 'postal packets' see PARA 24 NOTE 3.

7 References in the New Roads and Street Works Act 1991 Pt III (ss 48-106) (see HIGHWAYS, STREETS AND BRIDGES vol 21 (2004 Reissue) PARA 406 et seq) to apparatus are construed as including universal postal service letter boxes and universal postal service pouch-boxes: Postal Services Act 2000 Sch 6 para 1(4).

8 Ibid Sch 6 para 1(2). Accordingly, the New Roads and Street Works Act 1991 Pt III (ss 48-106) applies in relation to undertakers' works in exercise of a power conferred by the Postal Services Act 2000 Sch 6 para 1: Sch 6 para 1(3).

9 For the meaning of 'street authority' see HIGHWAYS, STREETS AND BRIDGES vol 21 (2004 Reissue) PARA 412.

10 For the meaning of 'maintainable highway' see HIGHWAYS, STREETS AND BRIDGES vol 21 (2004 Reissue) PARA 407 NOTE 7.

11 Postal Services Act 2000 Sch 6 para 1(5). This provision is without prejudice to the provisions of the New Roads and Street Works Act 1991 Pt III (ss 48-106): Postal Services Act 2000 Sch 6 para 1(6).

12 Ibid Sch 6 para 1(7).

UPDATE

68-73 Land

As to the power to place post-boxes in streets see the Postal Services Act 2000 Sch 6 para 1; and PARA 69A.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(4) LAND/70. Entry on land for exploratory purposes in England and Wales.

70. Entry on land for exploratory purposes in England and Wales.

At any reasonable time a person duly authorised in writing by the Post Office may enter upon and survey any land¹ in England or Wales, other than land covered by buildings or used as a garden or pleasure ground, for the purpose of ascertaining whether the land would be suitable for use for the purposes of its business². Certain provisions of the Town and Country Planning Act 1990 apply, including (with modifications) provisions relating to the power to search and bore for the purpose of ascertaining the nature of the subsoil and requiring notice of intended entry³.

Any person interested in land or chattels to which damage is caused in an exercise of this power and any person disturbed in his enjoyment of any land or chattels in consequence of this power being exercised may recover compensation from the Post Office in respect of the damage or disturbance⁴.

1 For the meaning of 'land' see PARA 20 note 10 ante.

2 Post Office Act 1969 s 57(1).

3 Ibid s 57(2) (amended by the Planning (Consequential Provisions) Act 1990 s 4, Sch 2 para 24). The provisions applied are the Town and Country Planning Act 1990 ss 324(8), 325(1)-(5) (as amended), (8)-(9). Section 324(8) is modified so as to exclude power to bore for the purpose of ascertaining the presence of minerals, and s 325(1) (as amended) is modified so as to require 28 days' notice of intended entry instead of 24 hours' notice: Post Office Act 1969 s 57(2)(a), (b) (amended by the Planning (Consequential Provisions) Act 1990 Sch 2 para 24). See further TOWN AND COUNTRY PLANNING vol 46(1) (Reissue) PARA 57 et seq.

4 Post Office Act 1969 s 57(3). As to the determination by the Lands Tribunal of disputes as to compensation see s 57(4), applying the Town and Country Planning Act 1990 s 118 (as to which see TOWN AND COUNTRY PLANNING vol 46(2) (Reissue) PARA 931).

UPDATE

68-73 Land

As to the power to place post-boxes in streets see the Postal Services Act 2000 Sch 6 para 1; and PARA 69A.

70 Entry on land for exploratory purposes in England and Wales

TEXT AND NOTES--Replaced.

A person authorised in writing by a universal service provider¹ may, at any reasonable time, enter on and survey any land² for the purpose of ascertaining whether the land would be suitable for use for any purpose in connection with the provision of a

universal postal service³. The power to survey land includes power to search and bore for the purpose of ascertaining the nature of the subsoil⁴. The above powers are not exercisable in relation to land which is covered by a building⁵ or will be so covered on the assumption that any planning permission which is in force is acted on⁶.

A person authorised to enter on any land must not demand to do so as of right unless 28 days notice of the intended entry has been given to the occupier, and, if required to do so, he has produced evidence of his authority and has stated the purpose of his entry⁷. If the land in question is held by statutory undertakers⁸ and they object to the works on the ground that the carrying out of the works would be seriously detrimental to the carrying on of their undertaking, the authority of the appropriate minister⁹ is required for the carrying out of the works¹⁰.

Any person who intentionally obstructs a person acting in the exercise of any aforementioned power is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale¹¹.

If in the exercise of any aforementioned power any damage is caused to land or chattels, any person interested in the land or chattels may recover compensation in respect of that damage from the universal service provider on whose behalf the power is exercised; and if in consequence of the exercise of such a power a person is disturbed in his enjoyment of any land or chattels, he may recover compensation from the universal service provider in respect of that disturbance¹².

1 As to the provision of a universal postal service see PARA 24.

2 For the meaning of 'land' see PARA 20 NOTE 10.

3 Postal Services Act 2000 s 95, Sch 6 para 2(1).

4 Ibid Sch 6 para 2(2). No person may carry out such works unless notice of the proposed works was included in the notice given under Sch 6 para 2(1): Sch 6 para 3(2).

5 'Building' includes any garden, yard, outhouses and appurtenances belonging to or usually enjoyed with a building: Sch 6 para 2(4).

6 Ibid Sch 6 para 2(3).

7 Ibid Sch 6 para 3(1). As to the giving of notices generally see s 121.

8 'Statutory undertakers' means any persons who, by virtue of the Town and Country Planning Act 1990 s 262 (see TOWN AND COUNTRY PLANNING vol 46(3) (Reissue) PARA 1009), are or are treated as statutory undertakers for the purposes of that Act or any provision of that Act: Postal Services Act 2000 Sch 6 para 3(4).

9 'Appropriate minister' means the person indicated by the Town and Country Planning Act 1990 s 265 (see TOWN AND COUNTRY PLANNING vol 46(3) (Reissue) PARA 1012): Postal Services Act 2000 Sch 6 para 3(4).

10 Ibid Sch 6 para 3(3).

11 Ibid Sch 6 para 4. As to the standard scale see SENTENCING AND DISPOSITION OF OFFENDERS vol 92 (2010) PARA 142.

12 Ibid Sch 6 para 5(1), (5). Any question of disputed compensation must be referred to and determined by the Upper Tribunal: Sch 6 para 5(2) (amended by SI 2009/1307). The Land Compensation Act 1961 ss 2, 4 apply in relation to the determination subject to any necessary modifications: Postal Services Act 2000 Sch 6 para 5(3).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(4) LAND/71. The Post Office as a statutory undertaker.

71. The Post Office as a statutory undertaker.

The Post Office is a statutory undertaker and its undertaking a statutory undertaking for the purposes of certain provisions of the enactments relating to town and country planning generally¹, and the appropriate minister in relation to the Post Office is the Secretary of State for Trade and Industry². For the purpose of those provisions, 'operational land' in relation to the Post Office means land of such class as may be specified in regulations made jointly by the Secretary of State³ and the Secretary of State⁴ having general responsibility for planning matters⁵, and the classes of land which have been so specified are land of the Post Office used by it, or in which an interest is held by it, for the purpose of a postal sorting office, or a postmen's delivery office or for the purpose of housing or supporting apparatus used for the operation of the Post Office telecommunication services, but not if the storage of such apparatus is the only purpose⁶. Land which vested in the Post Office on 1 October 1969⁷ and falls within any of the classes so specified must be treated as operational land for the purposes of the statutory provisions relating to town and country planning, notwithstanding that there is not and has never been in force in relation to it a specific planning permission for development which would involve, or would have involved, the use of the land for the purpose of the carrying on of the undertaking of the Post Office⁸.

The Post Office is also a statutory undertaker for the purposes of a number of other statutory provisions⁹.

1 Eg for the purposes of:

(1) the Town and Country Planning Act 1990 ss 90 (as amended), 101 (as amended), 108(3), 139-141 (as amended), 143, 148, 170(12)(b), 236(2)(a), 237-241, 264 (as amended), 266 (as amended) 267-283 (except s 271 as applied by the Opencast Coal Act 1958 s 13), the Town and Country Planning Act 1990 ss 288(10)(a), 306 (as amended), 325(9), Sch 1 para 18, Schs 8 (as amended), 13 (as amended), 14 (as amended): s 262(3), (4), (5) (amended by the Planning and Compensation Act 1991 ss 31(4), 84(6), Sch 6 paras 8, 22, Sch 19 Pt II);

(2) the Planning (Listed Buildings and Conservation Areas) Act 1990 ss 33-36 (s 34 as amended), 51(2)(a), 90(2) (as amended): 91(3); and

(3) the Planning (Hazardous Substances) Act 1990 s 38(2): s 39(6).

As to the provisions cited in heads (1)-(3) supra see further TOWN AND COUNTRY PLANNING.

2 Town and Country Planning Act 1990 s 265(1)(c).

3 Ie the Secretary of State as successor to the Minister of Posts and Telecommunications, whose function is, in practice, exercised by the Secretary of State for Trade and Industry: see PARA 1 note 6 ante.

4 Ie the Secretary of State as successor to the Minister of Housing and Local Government: Secretary of State for the Environment Order 1970, SI 1970/1681, art 2(1). This function is in practice exercised by the Secretary of State for the Environment, Transport and the Regions.

5 See the Town and Country Planning Act 1990 s 263(3) (amended by the Planning and Compensation Act 1991 ss 31(4), 84(6), Sch 6 paras 8, 23, Sch 19 Pt II); Town and Country Planning Act 1990 ss 263(4), 264(1)-(4), (7) (s 264(4) amended by the Water Consolidation (Consequential Provisions) Act 1991 s 2(1), Sch 1 para 54). The definition of a class of land may be framed by reference to any circumstances whatsoever: Town and Country Planning Act 1990 s 263(4)(b).

6 See the Post Office Operational Land Regulations 1973, SI 1973/310, reg 2.

7 Ie under the Post Office Act 1969 s 16: see PARA 3 ante.

8 The Town and Country Planning Act 1990 s 264 (as amended), which sets out the cases in which land is to be treated as not being operational land (see TOWN AND COUNTRY PLANNING vol 46(3) (Reissue) PARA 1011) does not apply to land in the case of which an interest of the Postmaster General's vested in the Post Office by virtue of the Post Office Act 1969 s 16: Town and Country Planning Act 1990 s 264(7). Most of that land would have been developed by the Postmaster General as Crown land without planning permission and, because it was acquired by the Post Office after 6 December 1968, could not be treated as operational land if s 264 applied to it.

9 By virtue of the Post Office Act 1969 Sch 4 para 93(1) (as amended), the Post Office is deemed to be a statutory undertaker and its undertaking a statutory undertaking for the purposes of the following enactments:

- (1) the Requisitioned Land and War Works Act 1948 s 4 (see WAR AND ARMED CONFLICT vol 49(1) (2005 Reissue) PARA 530): Post Office Act Sch 4 para 93(1)(vii).
- (2) the National Parks and Access to the Countryside Act 1949 (see HIGHWAYS, STREETS AND BRIDGES; OPEN SPACES AND COUNTRYSIDE vol 78 (2010) PARA 501 et seq): Post Office Act Sch 4 para 93(1)(x).
- (3) the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (see ARMED FORCES): Post Office Act Sch 4 para 93(1)(xi).
- (4) the Landlord and Tenant Act 1954 (see LANDLORD AND TENANT): Post Office Act Sch 4 para 93(1)(xii).
- (5) the Opencast Coal Act 1958 s 39(6)(b) (see MINES, MINERALS AND QUARRIES): Post Office Act Sch 4 para 93(1)(xiv).
- (6) the Land Compensation Act 1961 s 11 (see COMPULSORY ACQUISITION OF LAND vol 18 (2009) PARA 501 et seq): Post Office Act Sch 4 para 93(1)(xvii).
- (7) the Pipe-lines Act 1962 (see RAILWAYS, INLAND WATERWAYS AND CROSS-COUNTRY PIPELINES vol 39(1A) (Reissue) PARA 554 et seq): Post Office Act Sch 4 para 93(1)(xx).
- (8) the Harbours Act 1964 Sch 3 (as amended) (see PORTS AND HARBOURS vol 36(1) (2007 Reissue) PARA 632 et seq): Post Office Act Sch 4 para 93(1)(xxii) (amended by the Transport Act 1981 s 40(1), Sch 12 Pt II).
- (9) the Gas Act 1965 Sch 6 (see FUEL AND ENERGY vol 19(2) (2007 Reissue) PARA 1001 et seq): Post Office Act Sch 4 para 93(1)(xxiii).
- (10) the New Towns Act 1981 (see TOWN AND COUNTRY PLANNING): Post Office Act Sch 4 para 93(1)(xxv) (substituted by the New Towns Act 1981 s 81, Sch 12 para 5).

The Post Office is also a statutory undertaker for the purposes of a number of other enactments, including:

- (a) the Control of Pollution Act 1974: see s 73(1) (as amended); and ENVIRONMENTAL QUALITY AND PUBLIC HEALTH.
- (b) the Welsh Development Agency Act 1975: see s 27(1) (as amended); and TRADE AND INDUSTRY vol 97 (2010) PARA 954 et seq.
- (c) the Development of Rural Wales Act 1976: see s 34(1) (repealed).
- (d) the Local Government (Miscellaneous Provisions) Act 1976: see s 44(1) (as amended); and LOCAL GOVERNMENT vol 69 (2009) PARAS 227, 532.
- (e) the Ancient Monuments and Archaeological Areas Act 1979: see s 61(2)(b) (as amended); and NATIONAL CULTURAL HERITAGE vol 77 (2010) PARA 1051.
- (f) certain provisions of the Highways Act 1980: see HIGHWAYS, STREETS AND BRIDGES.
- (g) the Local Government, Planning and Land Act 1980: see ss 108(1) (repealed), 170 (as amended); and TOWN AND COUNTRY PLANNING vol 46(3) (Reissue) PARA 1009.

(h) the Acquisition of Land Act 1981: see s 8(1)(c) (as amended); and COMPULSORY ACQUISITION OF LAND vol 18 (2009) PARA 501 et seq.

UPDATE

68-73 Land

As to the power to place post-boxes in streets see the Postal Services Act 2000 Sch 6 para 1; and PARA 69A.

71 The Post Office as a statutory undertaker

TEXT AND NOTES 3-6--References to the Post Office are now to a universal service provider: SI 1973/310 reg 2 (amended by SI 2001/1149). As to the provision of a universal postal service see PARA 24.

TEXT AND NOTE 6--Words ' or for the purpose of housing ... only purpose' omitted: SI 1973/310 reg 2 (amended by SI 2001/1149).

NOTE 9--For 'the Post Office ... its undertaking' read 'a universal service provider in connection with the provision of a universal postal service is deemed to be a statutory undertaker and his undertaking so far as relating to the provision of a universal postal service': 1969 Act Sch 4 para 93(1) (amended by the Postal Services Act 2000 (Consequential Modifications No 1) Order 2001, SI 2001/1149).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(4) LAND/72. Transitional provisions with respect to planning permission and building control.

72. Transitional provisions with respect to planning permission and building control.

Where, pursuant to arrangements for consultation between government departments and local planning authorities with respect to the development of land held by or on behalf of the Crown¹, the Postmaster General had notified a local planning authority in writing before 1 October 1969² of a proposal to carry out development of land which was not carried out before that date, planning permission for that development is deemed to have been granted on that date if, within a period of two months³ from the day on which it received the notification and before that date, the authority had notified the Postmaster General in writing that it had no objection to the proposal⁴, or that it had no objection to it provided that specified conditions were complied with, in which case the planning permission is deemed to have been granted subject to those conditions⁵. If that period expired before 1 October 1969 and the local planning authority did not, within that period, notify the Postmaster General that it objected to the proposal or that it had no objection provided specified conditions were complied with, planning permission is deemed to have been granted on that date⁶.

Except where the authority specified a condition as to time⁷, planning permission in every case is deemed to have been granted subject to a condition that development must begin within five years beginning with 1 October 1969⁸. That period might be prolonged where a specified condition required consultation with the authority with respect to the siting, design or external appearance of a building or means of access to it⁹. Planning permission so deemed to have

been granted is a specific planning permission for the purpose of the statutory provisions relating to operational land¹⁰.

No enforcement notice¹¹ may be served in respect of development carried out before 1 October 1969 on land which vested¹² in the Post Office¹³.

Buildings, structures, excavations or other works on land that vested in the Post Office which were begun before that date or were begun by the Post Office within a period of six months beginning with that date are protected from proceedings for the enforcement of enactments, byelaws or regulations relating to the construction of such works¹⁴.

1 See the Town and Country Planning Act 1990 ss 268-270; and TOWN AND COUNTRY PLANNING vol 46(3) (Reissue) PARA 1015 et seq.

2 Ie the appointed day for the purposes of the Post Office Act 1969: see s 1(1) (repealed); Post Office Act 1969 (Appointed Day) Order 1969, SI 1969/1066.

3 That period could be extended by agreement in writing made, before its expiration, between the authority and the Postmaster General: Post Office Act 1969 s 138(1), Sch 9 para 27(12)(c).

4 See ibid Sch 9 para 27(1), (5), (12)(c).

5 Ibid Sch 9 para 27(2), (3), (5). Particulars of deemed planning permissions must be entered in the register of applications for planning permission that have been finally disposed of: see Sch 9 para 27(9).

6 Ibid Sch 9 para 27(4), (5).

7 See ibid Sch 9 para 27(3).

8 See ibid Sch 9 para 27(1), (2), (4), (12)(b)(i). Development is deemed to have begun on the earliest date on which any specified operation (as defined in the Land Commission Act 1967 s 64(3): see TOWN AND COUNTRY PLANNING) began to be carried out: Post Office Act 1969 Sch 9 para 27(13).

9 Approval of these matters is deemed to have been required under a development order, and application for approval must have been made within three years beginning with 1 October 1969 and development begun within two years from the date of final approval or, if it expired later, within a period of five years from the appointed day: ibid Sch 9 para 27(6), (12)(b)(ii). 'Development order' has the same meaning as in the Town and Country Planning Act 1990 (see ss 59, 336; and TOWN AND COUNTRY PLANNING vol 46(1) (Reissue) PARA 252): Post Office Act 1969 Sch 9 para 27(12)(a) (amended by the Planning (Consequential Provisions) Act 1990 s 4, Sch 2 para 24(3)).

10 Ie the Town and Country Planning Act 1990 s 264(1)-(4), (7) (s 264 (as amended)).

11 Ie a notice under ibid s 172 (as substituted): see TOWN AND COUNTRY PLANNING vol 46(2) (Reissue) PARA 561 et seq.

12 Ie land which vested under the Post Office Act 1969 s 16: see PARA 3 ante.

13 Ibid Sch 9 para 29 (amended by the Planning (Consequential Provisions) Act 1990 Sch 2 para 24(3)). An enforcement notice may not be served by virtue of the Town and Country Planning Act 1971 Sch 24 para 34 (as it continues in effect by virtue of the Planning (Consequential Provisions) Act 1990) in respect of works carried out on land which so vested or use of land which so vested: Post Office Act 1969 Sch 9 para 29 (as so amended).

14 See the Post Office Act 1969 Sch 9 para 17 (amended by the Statute Law (Repeals) Act 1995; and the Building (Inner London) Regulations 1985, SI 1985/1936, reg 3(2), Sch 4).

UPDATE

68-73 Land

As to the power to place post-boxes in streets see the Postal Services Act 2000 Sch 6 para 1; and PARA 69A.

72 Transitional provisions with respect to planning permission and building control

NOTE 8--1967 Act repealed: Statute Law (Repeals) Act 1998.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/1. CONSTITUTION AND FUNCTIONS/(4) LAND/73. Sale of land.

73. Sale of land.

A person dealing with the Post Office in respect of land¹ is neither bound nor entitled to inquire whether Treasury consent to any previous dealing with the land was requisite, or whether, if it was, it was given².

Where the Crown retained possession of any documents of title to any land any part of which vested in the Post Office³, the Secretary of State⁴ is assumed to have given to the Post Office a written acknowledgement of the right of the Post Office to production of these documents and to delivery of copies of them⁵.

1 For the meaning of 'land' see PARA 20 note 10 ante. As to the power of the Post Office to dispose of land see the Post Office Act 1969 s 7(2)(g); and PARA 20 ante.

2 Ibid s 62.

3 Ie under ibid s 16: see PARA 3 ante.

4 As to the Secretary of State see PARA 1 note 6 ante.

5 Post Office Act 1969 s 138(1), Sch 9 para 53 (amended by virtue of the Ministry of Posts and Telecommunications (Dissolution) Order 1974, SI 1974/691, arts 2, 3(3)). The Law of Property Act 1925 s 64 (see REAL PROPERTY) is to have effect accordingly and on the basis that the acknowledgement did not contain any such expression of contrary intention as is mentioned in that section: Post Office Act 1969 Sch 9 para 53 (as so amended). Deeds and documents of title to land which vested in the Post Office under the Post Office Act 1969 s 16(1) are public records and did not so vest, but were vested in the Post Office by an order under s 75(2): see s 16(2)(b). The order made provision for the Crown's right to their production and to delivery of copies of them in terms of a similar assumed acknowledgement by the Post Office.

UPDATE

68-73 Land

As to the power to place post-boxes in streets see the Postal Services Act 2000 Sch 6 para 1; and PARA 69A.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(1) THE SERVICES PROVIDED BY THE POST OFFICE/74. The main Post Office services.

2. THE BUSINESS OF THE POST OFFICE

(1) THE SERVICES PROVIDED BY THE POST OFFICE

74. The main Post Office services.

The main services provided by the Post Office are the inland¹ and overseas² postal services, and the remittance services (the postal order services)³. The Post Office also carries out various transactions on behalf of government departments⁴ and has power to provide banking services⁵.

1 See PARAS 95-120 post.

2 See PARAS 121-147 post.

3 See PARAS 148-152 post.

4 See PARA 75 post.

5 See PARAS 76-77 post. However, in practice, the Post Office does not at present offer any such banking services.

UPDATE

74-77 The Services Provided by the Post Office

The Post Office is replaced by Royal Mail Holdings plc, a public company limited by shares which is wholly owned by the Crown: Postal Services Act 2000 s 62(1), (4). See further PARA 3.

74 The main Post Office services

TEXT AND NOTES--See also Provision of Services Regulations 2009, SI 2009/2999; and SALE OF GOODS AND SUPPLY OF SERVICES vol 41 (2005 Reissue) PARA 385A.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(1) THE SERVICES PROVIDED BY THE POST OFFICE/75. Transactions with the public on behalf of Her Majesty's government and local authorities.

75. Transactions with the public on behalf of Her Majesty's government and local authorities.

The Post Office carries out various transactions with the public at its post offices on behalf of government departments¹. These include the receipt and repayment of deposits in the National Savings Bank² and other transactions in connection with savings certificates³, premium savings bonds⁴ and subscriptions for stock on the National Savings Stock Register⁵; the payment of certain social security benefits⁶; the issue of television licences⁷; and the issue of road vehicle (excise) licences⁸.

1 As to the power to perform services for Her Majesty's government see PARA 18 ante. As to the power of the Secretary of State to give directions to the Post Office to effect transactions for Her Majesty's government in post offices open to the public see PARA 33 ante.

2 As to the National Savings Bank see FINANCIAL SERVICES AND INSTITUTIONS vol 49 (2008) PARAS 810-814. Savings bank business, ie the receipt and payment of deposits and incidental business, is transacted at such places as the Director of Savings determines and by such persons as he authorises: National Savings Bank Regulations 1972, SI 1972/764, reg 3.

3 As to national savings certificates see FINANCIAL SERVICES AND INSTITUTIONS vol 49 (2008) PARAS 1352-1361. Certificates are issued at such places as the Director of Savings determines and by such persons as he authorises: Savings Certificates Regulations 1972, SI 1972/641, reg 3(1).

4 As to premium savings bonds see FINANCIAL SERVICES AND INSTITUTIONS vol 49 (2008) PARAS 1362-1370. Bonds are issued at such places as the Director of Savings determines and by such persons as he authorises: Premium Savings Bonds Regulations 1972, SI 1972/765, reg 3(1).

5 Ie formerly the Post Office register: see the National Debt Act 1972 ss 2, 3 (both as amended); and FINANCIAL SERVICES AND INSTITUTIONS vol 49 (2008) PARA 1347. Applications to subscribe for stock registered in the National Savings Stock Register may be made by delivery of a written application in the approved form and the subscription money to any place at which National Savings Bank business is transacted or to an agent authorised for the purpose by the Director of Savings: National Savings Stock Register Regulations 1976, SI 1976/2012, reg 5(2) (amended by SI 1998/1446).

6 Ie benefits under the Social Security Contributions and Benefits Act 1992 and the Social Security Administration Act 1992: see generally SOCIAL SECURITY AND PENSIONS.

7 Such licences are issued under the Wireless Telegraphy Act 1949 ss 1, 2 (both as amended): see TELECOMMUNICATIONS AND BROADCASTING.

8 Ie licences for mechanically propelled vehicles under the Vehicle Excise and Registration Act 1994. As to applications for such licences see CUSTOMS AND EXCISE vol 12(3) (2007 Reissue) PARA 761.

UPDATE

74-77 The Services Provided by the Post Office

The Post Office is replaced by Royal Mail Holdings plc, a public company limited by shares which is wholly owned by the Crown: Postal Services Act 2000 s 62(1), (4). See further PARA 3.

75 Transactions with the public on behalf of Her Majesty's government and local authorities

NOTE 5--Applications may now be made in an approved manner, and for the purpose of any such application the applicant must deliver to the Director of Savings such documents and other information in writing as he may require: SI 1976/2012 reg 5(2), amended by SI 1999/2771.

NOTE 7--Now issued under the Wireless Telegraphy Act 2006 s 8.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(1) THE SERVICES PROVIDED BY THE POST OFFICE/76. The Post Office as a banker.

76. The Post Office as a banker.

As regards the provision by the Post Office of a banking service in the exercise of its power to do so¹, the Post Office is deemed for all purposes to be a bank and a banker² and to be carrying on the business of banking and a banking undertaking³. If it appears to the Treasury necessary or expedient to do so in the national interest, it may, by order, give a direction that, on a day specified in the order, the Post Office must suspend the operation of any banking service provided by it in the exercise of that power⁴.

1 Le its power under the Post Office Act 1969 s 7(1)(b) (as substituted) (see PARA 18 ante).

2 'Banker' includes a body of persons, whether incorporated or not, who carry on the business of banking: ibid s 86(1).

3 Ibid s 40 (amended by the Banking Act 1979 s 51(2), Sch 7). It follows that, in the exercise of that power, the Post Office is a banker for the purpose of the provisions of the Bills of Exchange Act 1882 ss 60, 76-81A (as amended), and the Cheques Act 1957 s 1 (which protect bankers paying cheques), and s 4 (as amended) (which protects bankers collecting payment of cheques): see FINANCIAL SERVICES AND INSTITUTIONS vol 49 (2008) PARAS 836, 838 (payment of cheques) and PARAS 213-215 (collecting payment of cheques). In the exercise of that power, the Post Office is also a banker for the following purposes: (1) the Bankers' Books Evidence Act 1879 (see s 9 (as substituted); and FINANCIAL SERVICES AND INSTITUTIONS vol 49 (2008) PARAS 907-909); (2) the Agricultural Credits Act 1928 Pt II (see s 5(7) (as amended); and AGRICULTURAL PRODUCTION AND MARKETING vol 1 (2008) PARAS 1328-1333); and (3) the Solicitors Act 1974 (see s 87(1) (as amended); and LEGAL PROFESSIONS vol 66 (2009) PARA 839).

4 Banking and Financial Dealings Act 1971 s 2(1)(f). The Treasury's power to give a direction under s 2(1) (a) that a banker should not, except with Treasury permission, effect any transaction or a transaction of a specified kind does not apply, as regards the Post Office, in respect of any business carried on in the exercise of that power: s 2(2). See further FINANCIAL SERVICES AND INSTITUTIONS vol 49 (2008) PARA 832.

UPDATE

74-77 The Services Provided by the Post Office

The Post Office is replaced by Royal Mail Holdings plc, a public company limited by shares which is wholly owned by the Crown: Postal Services Act 2000 s 62(1), (4). See further PARA 3.

76 The Post Office as a banker

NOTE 3--Banking Act 1979 s 51(2) repealed: Statute Law (Repeals) Act 2004.

TEXT AND NOTE 4--1971 Act s 2(1)(f), (2) repealed: SI 2001/1149.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(1) THE SERVICES PROVIDED BY THE POST OFFICE/77. Banking services provided by the Post Office.

77. Banking services provided by the Post Office.

The property rights and liabilities relating to the banking service previously provided by the Post Office were transferred to a wholly-owned subsidiary, Girobank plc¹. The company was then sold to the Alliance and Leicester Building Society in 1990 with the consent of the Secretary of State².

The Post Office does not currently offer banking services as principal although Post Office Counters Ltd, a wholly-owned subsidiary of the Post Office, provides services as the agent of several banks.

- 1 ie by means of a scheme under the British Telecommunications Act 1981 s 60: see PARA 19 ante.
- 2 ie consent given under ibid s 61(3): see PARA 19 ante.

UPDATE

74-77 The Services Provided by the Post Office

The Post Office is replaced by Royal Mail Holdings plc, a public company limited by shares which is wholly owned by the Crown: Postal Services Act 2000 s 62(1), (4). See further PARA 3.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(2) THE POST OFFICE'S EXCLUSIVE PRIVILEGE OF CONVEYING LETTERS/78. The exclusive privilege of conveying letters.

(2) THE POST OFFICE'S EXCLUSIVE PRIVILEGE OF CONVEYING LETTERS

78. The exclusive privilege of conveying letters.

With certain exceptions¹, the Post Office, within the United Kingdom², has the exclusive privilege of conveying all letters³ from one place to another and of performing all the incidental services of receiving, collecting, dispatching and delivering them⁴.

- 1 As to the exceptions see PARA 79 post.
- 2 For the meaning of 'United Kingdom' see PARA 18 note 1 ante.
- 3 'Letter' for this purpose means any communication in written form which: (1) is directed to a specific person or address; (2) relates to the personal, private or business affairs of, or the business affairs of the employer of, either correspondent; and (3) neither is to be nor has been transmitted by means of a telecommunication system: British Telecommunications Act 1981 s 66(5). 'Letter' includes a packet containing any such communication: s 66(5). 'Writing' includes typing, printing, lithography, photography and other modes of representing or reproducing words in a visible form, and expressions referring to writing are construed accordingly: Interpretation Act 1978 s 5, Sch 1. 'Person' includes a body of persons corporate or unincorporate: Interpretation Act 1978 Sch 1. 'Correspondent', in relation to a letter or other communication, means the sender or addressee: British Telecommunications Act 1981 s 66(5). For the meaning of 'telecommunication system' see the Telecommunications Act 1984 s 4; and TELECOMMUNICATIONS vol 97 (2010) PARAS 59-60.
- 4 British Telecommunications Act 1981 s 66(1). As to the offence of doing any act or performing any service which infringes the exclusive privilege, and the offence of causing letters to be conveyed by any means which infringes the privilege, see PARA 82 post. As to the origin of the postal monopoly see PARA 2 ante.

UPDATE

78 The [restriction on the provision of postal services]

TEXT AND NOTES--Replaced.

With certain exceptions¹, no person may convey a letter² from one place to another unless he holds a licence³ authorising him to do so, or he is acting as an employee⁴ or agent of a person who is authorised by a licence to do so⁵.

1 As to those exceptions, see PARA 79.

2 Any reference to conveying a letter from one place to another, or the conveyance of a letter, includes a reference to performing, or the performance of, any of the incidental services of receiving, collecting and delivering a letter: Postal Services Act 2000 s 6(6). For the meaning of 'letter' see PARA 24 NOTE 3.

3 References to a licence are to a licence under *ibid* Pt II (ss 6-41) and references to a licence holder are to be construed accordingly: s 6(7).

4 'Employee', in relation to a body corporate, includes any officer or director of the body corporate and any other person taking part in its management, and 'employer' and other related expressions are to be construed accordingly: *ibid* s 125(1).

5 *Ibid* s 6(1). Compliance with this provision may be enforceable by civil proceedings by or on behalf of the Postal Services Commission (see PARA 10) or the Secretary of State (see PARA 6 NOTE 1) for an injunction or for any other appropriate relief or remedy: s 6(4).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(2) THE POST OFFICE'S EXCLUSIVE PRIVILEGE OF CONVEYING LETTERS/79.
Exceptions from the exclusive privilege.

79. Exceptions from the exclusive privilege.

The following acts are expressly authorised by statute and do not infringe the exclusive privilege of the Post Office¹:

- (1) the conveyance and delivery of a letter personally by its sender²;
- (2) the conveyance and delivery of a letter by a personal friend of the sender³;
- (3) the conveyance and delivery of a letter by a messenger⁴ sent for the purpose by either correspondent⁵;
- (4) the conveyance of an overseas letter⁶ to an aircraft by a messenger sent for the purpose by the sender and the conveyance of that letter out of the United Kingdom by means of that aircraft⁷;
- (5) the conveyance and delivery of any document issuing out of a court of justice or of any return or answer to such a document⁸;
- (6) the conveyance of letters from merchants who are owners of a merchant ship⁹ or commercial aircraft, or of goods carried in such a ship or aircraft, by means of that ship or aircraft, and the delivery thereof to the addressees by any person employed for the purpose by those merchants, provided no payment or reward, profit or advantage whatever is given or received for the conveyance or delivery of those letters¹⁰;
- (7) the conveyance and delivery of letters by any person, being letters concerning¹¹ and for delivery with goods carried by that person provided no payment or reward, profit or advantage whatsoever is given or received for the conveyance or delivery of such letters¹²;
- (8) the conveyance and delivery to the Post Office of pre-paid letters¹³ for conveyance and delivery by the Post Office to the addressees, and the collection of such letters for that purpose¹⁴;

- (9) the conveyance and delivery of letters by a person who has a business interest¹⁵ in those letters, and the collection of letters for that purpose¹⁶;
- (10) the conveyance and delivery of banking instruments¹⁷ from one bank to another or from a bank to a government department¹⁸, and the collection of such instruments for that purpose¹⁹;
- (11) the collection, conveyance and delivery of coupons or other entry forms issued by authorised promoters²⁰ in connection with established competitions²¹.

None of the exceptions to the Post Office exclusive privilege in heads (1) to (7) above authorises any person to make a collection of letters for the purpose of their being conveyed in any manner authorised by those provisions²².

Letters conveyed, received, collected, sent, despatched or delivered by means of posts and post offices established in the United Kingdom by the service authorities of any visiting force or by certain international headquarters or defence organisations are excepted from the exclusive privilege to such extent and subject to such conditions and restrictions as may be provided by any agreement for the time being in force between Her Majesty's government and the service authorities or sending government of the force, or the headquarters or organisation, as the case may be²³.

1 As to the exclusive privilege see PARA 78 ante.

2 British Telecommunications Act 1981 s 67(1)(a). 'Sender' for this purpose means, in relation to any letter or other communication, the person whose communication it is: s 66(5). For the meanings of 'letter' and 'person' see PARA 78 note 2 ante.

3 Ibid s 67(1)(b).

4 A company which employs messengers to deliver letters for its shareholders is not itself a messenger: *Circular Delivery Co Ltd v Clare* (1869) 20 LT 701 at 703 per Cockburn CJ.

5 British Telecommunications Act 1981 s 67(1)(c). For the meaning of 'correspondent' see PARA 78 note 2 ante.

6 'Overseas letter' means a letter which is directed to a specific person or address outside the United Kingdom: ibid s 67(4). For the meaning of 'United Kingdom' see PARA 18 note 1 ante.

7 Ibid s 67(1)(d).

8 Ibid s 67(1)(e).

9 'Ship' includes any boat, vessel or hovercraft: ibid s 67(4).

10 Ibid s 67(1)(f).

11 A letter accompanying and directed to the consignee of goods is presumed to concern those goods until the contrary is proved: *Bennett v Clough* (1818) 1 B & Ald 461.

12 British Telecommunications Act 1981 s 67(1)(g).

13 'Pre-paid letter' includes any letter which, in pursuance of arrangements made with the Post Office, does not require to be pre-paid: ibid s 67(4).

14 Ibid s 67(1)(h).

15 A person has a 'business interest' in a letter if, and only if: (1) he is an employee of one of the correspondents or of a member of the same group as one of the correspondents and the letter relates to the business affairs of that correspondent; or (2) he and one of the correspondents are employees of the same person, or of different members of the same group, and the letter relates to the business affairs of that person or, as the case may be, the employer of that correspondent: ibid s 67(3). 'Group' means a body corporate and all of its wholly-owned subsidiaries taken together: s 67(4). For the meaning of 'wholly owned subsidiary' see PARA 19 note 1 ante.

16 Ibid s 67(1)(i).

17 'Banking instrument' means: (1) any cheque or other instrument to which the Cheques Act 1957 s 4 applies; (2) any document issued by a public officer which is intended to enable a person to obtain payment from a government department of the sum mentioned in the document; (3) any bill of exchange not falling within head (1) or (2) supra or any promissory note; (4) any postal order or money order; (5) any credit transfer, credit advice or debit advice; or (6) any list of items, or any copy of an item, falling within heads (1)-(5) supra: British Telecommunications Act 1981 s 67(4). 'Bank' means: (a) the Bank of England; (b) an institution authorised under the Banking Act 1987, including a European deposit-taker; (c) the Post Office; or (d) the central bank of a Member State other than the United Kingdom: British Telecommunications Act 1981 s 67(4) (amended by the Banking Act 1987 s 108(1), Sch 6 para 10; and the Trustee Savings Banks Act 1985 ss 4(3), 7(3), Sch 4; and modified by the Banking Coordination (Second Council Directive) Regulations 1992, SI 1992/3218, Sch 10 para 12). 'European deposit-taker' means a European authorised institution (within the meaning of the Banking Coordination (Second Council Directive) Regulations 1992 reg 3) which has lawfully established a branch in the United Kingdom for the purpose of accepting deposits: reg 82(3). 'Member State' means a state which is a member of the European Communities: see the European Communities Act 1972 s 1(2), Sch 1 Pt II; definition applied by the Interpretation Act 1978 s 5, Sch 1. For the meaning of 'United Kingdom' see PARA 18 note 1 ante.

18 'Government department' includes any Minister of the Crown and any Northern Ireland department: British Telecommunications Act 1981 s 67(4).

19 Ibid s 67(1)(j).

20 'Authorised promoter' means: (1) a registered football pool promoter; (2) a person who is or has at any time been an associate (within the meaning of the Consumer Credit Act 1974 s 184: see CONSUMER CREDIT vol 9(1) (Reissue) PARA 92) of such a promoter; or (3) a registered pool promoter to whom a certificate has been granted under the Pool Competitions Act 1971 s 1: British Telecommunications Act 1981 s 67(4).

21 British Telecommunications Act 1981 s 67(1)(k). 'Established competition' means a competition which is of the same kind as or is broadly similar to a competition held by an authorised promoter before 27 July 1981: s 67(4).

22 British Telecommunications Act 1981 s 67(2).

23 Visiting Forces and International Headquarters (Application of Law) Order 1965, SI 1965/1536, art 7 (amended by the Post Office Act 1969 ss 76, 88, 139, Sch 4 para 104; and the British Telecommunications Act 1981 s 87, Sch 3 para 84); see ARMED FORCES.

UPDATE

79 Exceptions from the [restriction]

TEXT AND NOTES 1-21, 23--1981 Act s 67 replaced by Postal Services Act 2000 s 7. The Secretary of State may by order modify s 7, but no such order may be made except on the recommendation of the Postal Services Commission (see PARA 10): s 8(1), (2). Before making such a recommendation, the Commission must consult the National Consumer Council (see PARA 43-51), licence holders, and such other persons as the Commission considers appropriate: s 8(3). Where the Commission makes such a recommendation but the Secretary of State decides not to make an order, the Secretary of State must lay before each House of Parliament a report containing the reasons for his decision: s 8(4).

TEXT AND NOTES 1-21--1981 Act s 67(1)(a)-(k), (4) now Postal Services Act 2000 s 7(2)(a)-(k), (5).

In addition, heads (12) the conveyance of a letter which is conveyed in consideration of a payment of not less than £1 made by or on behalf of the person for whom it is conveyed, or which weighs not less than 350 gm (s 7(1)); (13) the conveyance of a letter in circumstances where the service of conveying the letter is outside the scope of the universal postal service in the United Kingdom (s 7(1A) (added by SI 2002/3050); as to the meaning of 'universal postal service', see the Postal Services Act 2000 s 7A

(added by SI 2002/3050)); (14) the conveyance and delivery of letters, and the collection of letters for that purpose, by a person who is not a licence holder, who provides those services under a contract for services where the other party to the contract is the sender and who does not provide those services to any person other than the sender (Postal Services Act 2000 s 7(2)(ia) (added by SI 2002/3050)); (15) the collection, conveyance and delivery of Christmas cards by a charity, provided that the activity concerned takes place during the period starting with 25 November in any year and ending with 1 January in the following year (Postal Services Act 2000 s 7(2)(l)); (16) the conveyance and delivery of letters from one government department to another or within the same government department, and the collection of letters for that purpose (s 7(2)(m)); (17) the conveyance of letters of members of a document exchange from a departure facility for that exchange to an arrival facility for another document exchange by persons who are not members of either exchange, and the collection and delivery by such persons for that purpose of letters delivered to the departure facility concerned (s 7(2)(n)); (18) the conveyance and delivery of brokers' research, during the relevant period and by any person who has printed it, from the business premises where it is printed to the premises of any person who is to convey it onwards (s 7(2)(o)); (19) the conveyance and delivery by any person of brokers' research within the period of 24 hours starting with its delivery to his premises or its collection by him during the relevant period from a collection point, and any such collection (s 7(2)(p)). In head (15) 'charity' means a body, or the trustees of a trust, established for a charitable purpose only: s 7(5). In head (17) 'document exchange' means a system involving at least three members for the exchange of letters between members of the system; 'arrival facility' means any box, receptacle or other facility associated with that exchange which is provided for the receipt of letters from members of another document exchange which are conveyed to the facility from a departure facility for that other exchange for collection by members of the first exchange; and 'departure facility' means any box, receptacle or other facility associated with that exchange which is provided for the collection of letters of members of that exchange which are delivered to the facility by those members for conveyance to an arrival facility for another document exchange for collection by members of that other exchange: s 7(5).

In heads (18), (19) 'brokers' research' means any printed documentation prepared by persons licensed or authorised to trade on any regulated stock, share, futures, foreign exchange or commodities market which contains research, analysis and information relating to items traded on that market and which has not been prepared for or on the instructions of any particular person to whom it is addressed or delivered; and 'relevant period' means, in the case of a collection from an international airport, the period starting with 6 pm on any day other than Friday or Saturday and ending with 10 am on the next day and the period starting with 6 pm on any Friday or Saturday and ending with noon on the next day, and, in any other case, the period starting with 6 pm on any day and ending with 6 am on the next day: s 7(5).

TEXT AND NOTE 1--Now the listed acts do not constitute a contravention of the restriction on the provision of postal services (see PARA 78): *ibid* s 7(1), (2).

NOTE 2--For the meaning of 'letter' see PARA 24 NOTE 3.

NOTE 5--'Correspondent' means the sender or the addressee: Postal Services Act 2000 s 125(1).

TEXT AND NOTES 6, 7--Now, head (4) the conveyance of an overseas letter out of the United Kingdom, and the collection of letters for that purpose: *ibid* s 7(2)(d); Postal Services Act 2000 (Modification of Section 7) Order 2002, SI 2002/200.

NOTE 9--Now Postal Services Act 2000 s 125(1).

NOTE 15--1981 Act s 67(3), (4) now Postal Services Act 2000 s 7(4), (5).

NOTE 17--'Bank' now means (1) the Bank of England, (2) a deposit taker, (3) an EEA firm of the kind mentioned in the Financial Services and Markets Act 2000 Sch 3 para 5(b) which has permission under Sch 3 para 15 (as a result of qualifying for authorisation under Sch 3 para 12(1)) to accept deposits, or (4) the central bank of an EEA state other than the United Kingdom: Postal Services Act 2000 s 7(5) (definition substituted by the Financial Services and Markets Act 2000 (Consequential Amendments and Repeals) Order 2001, SI 2001/3649). 'Deposit taker' means a person who has permission under the Financial Services and Markets Act 2000 Pt IV to accept deposits, but does not include (a) a credit union, within the meaning of the Credit Unions Act 1979 or the Credit Unions (Northern Ireland) Order 1985, SI 1985/1205, (b) a specially authorised society within the meaning of the Friendly Societies Act 1974 s 7(1)(f), (c) a person who has permission to accept deposits only for the purpose of carrying on another regulated activity in accordance with that permission: Postal Services Act 2000 s 7(5) (amended by SI 2001/3649). In the Postal Services Act 2000 s 7(5), head (3) of the definition of 'bank' and the definition of 'deposit taker' must be read with (i) the Financial Services and Markets Act 2000 s 22; (ii) any relevant order under s 22; and (iii) Sch 2: Postal Services Act 2000 s 7(6) (added by SI 2001/3649). See further FINANCIAL SERVICES AND INSTITUTIONS.

NOTE 20--'Authorised promoter' now means (1) the holder of a pool betting operating licence under the Gambling Act 2005 Pt 5 (ss 65-126) (see LICENSING AND GAMBLING), (2) a person authorised under s 93(3) to do anything on behalf of the holder of a pool betting operating licence, and (3) an associate, within the meaning of the Consumer Credit Act 1974 s 184, of a person within head (1) or (2): Postal Services Act 2000 s 7(5) (definition substituted by the 2005 Act Sch 16 para 15).

TEXT AND NOTE 21--Words 'in connection with established competitions' omitted from Postal Services Act 2000 s 7(2)(k).

TEXT AND NOTE 22--For 'None ... exclusive privilege' read 'Nothing' and for 'heads (1) to (7)' read 'heads (1) to (3) and head (5)': *ibid* s 7(3); Postal Services Act 2000 (Modification of Section 7) Order 2002, SI 2002/200.

TEXT AND NOTE 23--The Postal Services Act 2000 s 6 (see PARA 78) does not have effect to prohibit a visiting force or headquarters from conveying letters from one place to another in the United Kingdom, or from performing the incidental services of receiving, collecting and delivering letters in the United Kingdom: Visiting Forces and international Headquarters (Application of Law) Order 1999, SI 1999/1736, art 7(3) (which replaces SI 1965/1536 art 7).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(2) THE POST OFFICE'S EXCLUSIVE PRIVILEGE OF CONVEYING LETTERS/80. Power of the Secretary of State to license activities within the exclusive privilege.

80. Power of the Secretary of State to license activities within the exclusive privilege.

A licence may be granted by the Secretary of State¹ after consultation with the Post Office, either unconditionally or subject to any conditions specified in the licence, for the doing of any such act or the performance of any such service falling within the Post Office exclusive privilege². Provided that the act or the performance of any such service falls within the terms of

such a licence, then such act or service does not constitute an infringement of the exclusive privilege³.

A licence may be granted either to persons of a class⁴ or to a particular person⁵. Any licence granted to persons of a class must be published in such manner as appears to the Secretary of State to be appropriate for bringing it to the attention of the persons for whose benefit it will exist, and a licence expressed to be so granted must be in writing⁶.

A licence may include conditions requiring the rendering to the Secretary of State or the Post Office or both of a payment on the grant of the licence or periodic payments during the currency of the licence or both⁷. Any payment required to be tendered to any person may be recovered by that person in any court of competent jurisdiction and may be so recovered as if it were a simple contract debt⁸. Any sums received by the Secretary of State must be paid into the Consolidated Fund⁹.

Any licence granted, unless previously revoked in accordance with any term contained in the licence, continues in force for such period as may be specified in it¹⁰.

1 As to the Secretary of State see PARA 1 note 6 ante.

2 Ie the privilege set out in the British Telecommunications Act 1981 s 66(1): see PARA 78 ante.

3 Ibid s 68(1).

4 The definition of a class of persons may be framed by reference to any circumstances whatever: ibid s 68(6). For the meaning of 'person' see PARA 78 note 2 ante.

5 Ibid s 68(3).

6 Ibid s 68(5). Current practice is for all licences to be published in the London, Edinburgh and Belfast Gazettes. For the meaning of 'writing' see PARA 78 note 2 ante.

7 Ibid s 68(3).

8 Ibid s 68(4).

9 Ibid s 68(7). As to the Consolidated Fund see CONSTITUTIONAL LAW AND HUMAN RIGHTS vol 8(2) (Reissue) PARA 711 et seq; PARLIAMENT vol 78 (2010) PARA 1028.

10 Ibid s 68(2). To date four licences have been made: (1) the Christmas Card Licence, made on 20 November 1981, which permits persons authorised by charities to convey Christmas cards, provided it is done in connection with raising funds for the charity; (2) the Document Exchange Licence, made on 23 April 1982, which grants to any document exchange operator, any employee of a document exchange operator, and any other person authorised by a document exchange operator to act on his or its behalf, for the purpose of doing any of the acts or performing any of the licensed services, a licence to do any of the acts and perform any of the following services: (a) the receipt of letters at, and their collection from, a document exchange, and (b) the conveyance of letters from one document exchange to another and their delivery at that other exchange, provided that the sender and addressee of the letter is, at the time of its receipt at the document exchange, either the operator of the exchange or a member of it; (3) the Inter-Governmental Mail Licence, made on 17 September 1993, which entitles third parties to collect, convey and deliver letters from one government department to another, without infringing the postal monopoly; and (4) the Deltec Licence, granted on 13 March 1996 to Deltec Limited under which the company may deliver stockbroker's research from Heathrow to several designated areas within specified timescales.

UPDATE

80 Power of the [Postal Services Commission] to license [the provision of postal services]

TEXT AND NOTES--Replaced.

1. Licences generally

The Postal Services Commission¹ may, on an application for a licence², grant a licence to the applicant authorising him to do anything which would otherwise contravene the restriction on the provision of postal services³, and is specified in the licence or determined by or under it⁴. A licence, unless it previously ceases to have effect in accordance with its provisions, continues in force for the period specified in it or determined by or under it⁵. A person holding such a licence who provides postal services to consumers⁶ must have in place at all times a complaints handling procedure⁷. Where the Commission determines not to grant a licence, in whole or in part, it must, as soon as practicable after making that determination, notify the applicant and give him a written statement of its reasons for the determination⁸.

A licence may include such provisions as the Commission considers appropriate; and a provision need not relate to anything authorised by the licence⁹. The provisions of a licence may, in particular, require a payment to the Commission on the grant of the licence, or payments while the licence is in force, or both, of such amount or amounts as may be specified in the licence or determined by or under it¹⁰. The Commission may consult any person who is to be granted a licence about any conditions that the Commission proposes to include in the licence, other than any condition which the Commission is required to include in the licence¹¹. No action lies in respect of a contravention by a licence holder of a condition of his licence, but this does not affect a right of action in respect of an act or omission which takes place in the course of the provision of any postal services or the doing of anything else to which the condition relates, the power to make an order¹², confirm such an order or impose a penalty¹³, the duty to comply with any such order or pay any such penalty and a power to bring proceedings in respect of such a duty¹⁴.

The Commission must compile and maintain a register giving details of (1) the provisions of every licence; (2) every modification¹⁵, revocation or surrender of a licence; (3) the provisions of every direction or determination made or consent or approval given under a licence; (4) the terms of every final or provisional order¹⁶ made or confirmed and every revocation of such an order; and (5) every penalty imposed¹⁷ and every notice¹⁸ given¹⁹. The duty to enter the prescribed matters on the register does not extend to anything of which the Commission is unaware²⁰. So far as practicable the Commission must secure the exclusion from the register of any matter relating to the affairs of a person if it considers that its inclusion would or might seriously and prejudicially affect the person's interests²¹. If the Secretary of State considers that entry of anything in the register would be against the public interest or any person's commercial interests, he may direct the Commission not to enter it²². The Commission must secure that the contents of the register are available for inspection by the public during specified hours²³, and subject to such reasonable fees, if any, as the Commission may determine²⁴. If requested by any person to do so and subject to such reasonable fees, if any, as the Commission may determine, the Commission must supply the person concerned with a copy, certified to be true, of the register or of an extract from it²⁵.

1 See PARA 10.

2 An application for a licence must be made in writing to the Commission in accordance with such requirements as the Commission may specify: Postal Services Act 2000 s 12(1). The Commission may, in particular, require the application to be accompanied by such reasonable application fee as it may determine: s 12(2). Before granting a licence the Commission must publish a notice in such manner as it considers appropriate for bringing it to the attention of persons likely to be affected by the grant, serve a copy of the notice on the National Consumer Council (see PARA 43-51), and consider any representations made in accordance with the notice and not withdrawn: s 12(3). The notice must state that the Commission proposes to grant the licence and the reasons for so proposing, and state

the period, not less than 28 days starting with the date of publication of the notice, within which representations may be made regarding the proposed licence: s 12(4). As soon as practicable after granting a licence the Commission must send a copy of it to the Secretary of State and the Council: s 12(5).

3 As to the restriction see PARA 78.

4 Postal Services Act 2000 s 11(1). A licence is not valid unless it is in writing (s 11(2)), and may not be transferred (s 11(3)). As to the enforcement of licences see PARA 80.4. As to the determination of applications see s 12B (added by SI 2002/3050; and amended by SI 2002/3050).

5 Postal Services Act 2000 s 11(4).

6 Ie excluding consumers whose postal services are governed by a contract between those consumers and the licensed provider: see the Postal Services (Consumer Complaints Handling Standards) Regulations 2008, SI 2008/2355, reg 2.

7 See ibid reg 3. The licensed provider must (1) record consumer complaints (reg 4); (2) if it is not able to complete a complaint through its complaints handling procedure, refer complainants to a qualifying redress scheme (see PARA 78-82) (reg 5); (3) allocate sufficient resources to enable it to handle consumer complaints (reg 6); (4) make provision for the handling of complaints made by vulnerable consumers (reg 7); (5) publish consumer complaints made through its complaints handling procedure (reg 8); and (6) publish an annual report containing information on the consumer complaints it has received (reg 9).

8 Postal Services Act 2000 s 12A (added by SI 2002/3050).

9 Postal Services Act 2000 s 13(1).

10 Ibid s 13(2). Such provisions of a licence may be expressed as conditions: s 13(3). The Secretary of State may give directions to the Commission as to the inclusion in any licence of conditions requiring the payment of sums relating to the expenses of the Consumer Council for Postal Services or the exercise of any power of the Commission to determine anything falling to be determined under such conditions: s 39 (amended by Consumers, Estate Agents and Redress Act 2007 Sch 1 para 30, Sch 8). Licence holders may be required to pay certain expenses under the new arrangements: Postal Services Act 2000 s 39A (added by Consumers, Estate Agents and Redress Act 2007 Sch 1 para 31).

11 Postal Services Act 2000 s 13(4). References to a condition of a licence are to a provision of a licence which is expressed as a condition: s 13(5).

12 Ie under ibid ss 22, 23: see PARA 80.4.

13 Ie under ibid s 30: see PARA 80.5.

14 Ibid s 13(6), (7).

15 As to the modification of licences see PARA 80.2.

16 As to final and provisional orders see PARA 80.4.

17 Ie under the Postal Services Act 2000 s 30: see PARA 80.5.

18 See ibid s 32(3); and PARA 80.5.

19 Ibid s 38(1), (3). The register must be kept at such premises and in such form as the Commission considers appropriate: s 38(2).

20 Ibid s 38(4).

21 Ibid s 38(5). This provision does not apply if the person concerned consents to the matter being entered in the register, or the Commission considers that entering the matter in the register would be in the public interest: s 38(6).

22 Ibid s 38(7).

23 ie between 9.30 am and 4.30 pm on every day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday in England within the meaning of the Banking and Financial Dealings Act 1971: Postal Services Commission (Register) Order 2001, SI 2001/620.

24 Postal Services Act 2000 s 38(8).

25 Ibid s 38(9).

2. Modification of licences

The Postal Services Commission¹ may modify the conditions of a licence if its holder consents to the modifications². Before making modifications the Postal Services Commission must give notice³ of the modifications, and consider any representations made in accordance with the notice and not withdrawn⁴. The Secretary of State may, within 28 days⁵, direct the Postal Services Commission not to make any proposed modification if he considers that the modification should be made, if at all, following a report of the Competition Commission⁶. As soon as practicable after making modifications the Postal Services Commission must send a copy of the modifications to the licence holder, the National Consumer Council⁷ and the Secretary of State⁸.

If a report of the Competition Commission (1) includes conclusions to the effect that any of the matters specified in the reference⁹ operate against the public interest or may be expected to do so; (2) specifies effects adverse to the public interest which the matters have or may be expected to have; (3) includes conclusions to the effect that the effects could be remedied or prevented by modifications of the conditions of the licence; and (4) specifies modifications by which the effects could be remedied or prevented, the Postal Services Commission must make such modifications of the conditions of the licence as it considers are needed for the purpose of remedying or preventing the adverse effects specified in the report¹⁰. Before making any such modifications, the Postal Services Commission must have regard to the modifications specified in the report, give notice of its proposed modifications, and consider any representations made in accordance with the notice and not withdrawn¹¹. If, after considering any such representations, the Postal Services Commission decides to make any modifications for the purpose of remedying or preventing the adverse effects specified in the report, it must give notice of the modifications to the Competition Commission¹². If no direction¹² is given to the Postal Services Commission within the period of four weeks starting with the date on which the notice is given, it must make the modifications set out in the notice¹⁴. If a direction is given to the Postal Services Commission within the period of four weeks starting with the date on which the notice is given, it must make the modifications which are set out in the notice and are not specified in the direction¹⁵. As soon as practicable after making any of the above modifications the Postal Services Commission must send a copy of the modifications to the licence holder, the Council and the Secretary of State¹⁶.

The Competition Commission may direct the Postal Services Commission not to make the modifications concerned, or not to make such of the modifications as may be specified in the direction¹⁷. The Competition Commission may itself make such modifications as it considers are needed for the purpose of remedying or preventing the adverse effects specified in the report as effects which could be remedied or prevented by modifications, or such of those adverse effects as are not remedied or prevented by the modifications made by the Postal Services Commission¹⁸. The Postal Services Commission must, for the purpose of assisting the Competition Commission in exercising its functions, give to the Competition Commission any information the Postal Services Commission has which relates to the exercise of the functions and which the Competition Commission requests, any information the Postal Services Commission has which relates to the exercise of the functions and which it considers that it would be

appropriate for it to give without a request, any other assistance which the Postal Services Commission is able to give in relation to the exercise of the functions and which the Competition Commission requests¹⁹.

Where the Office of Fair Trading, the Competition Commission or (as the case may be) the Secretary of State ('the relevant authority') makes a relevant order²⁰, the order may also provide for the modification of the conditions of a licence to such extent as may appear to the relevant authority to be requisite or expedient for the purpose of giving effect to, or taking account of, any provision made by the order²¹.

1 See PARA 10.

2 Postal Services Act 2000 s 14(1).

3 The notice must state that the Postal Services Commission proposes to make the modifications, the effect of the modifications, the reasons for the modifications, and the period, not less than 28 days starting with the date of publication of the notice, within which representations may be made in relation to the proposed modifications: s 14(3). A notice must be given by serving a copy of the notice on the licence holder, the National Consumer Council and the Secretary of State, and by publishing the notice in such manner as the Postal Services Commission considers appropriate for the purpose of bringing the matters to which the notice relates to the attention of persons likely to be affected by them: s 14(4). As to service of notices generally see s 121.

4 Ibid s 14(2).

5 Ie the period stated in ibid s 14(3).

6 Ibid s 14(4). As to reports of the Competition Commission see PARA 80.3. As to the Competition Commission see SALE OF GOODS AND SUPPLY OF SERVICES vol 41 (2005 Reissue) PARA 405.

7 As to the Council see PARA 43-51.

8 Postal Services Act 2000 s 14(6).

9 As to references to the Competition Commission see PARA 80.3.

10 Postal Services Act 2000 s 17(1), (2).

11 Ibid s 17(3). The notice must state that the Postal Services Commission proposes to make the modifications, the effect of the modifications, the reasons for the modifications, and the period (not less than 28 days starting with the date of publication of the notice) within which representations may be made in relation to the proposed modifications, and must be given by serving a copy of the notice on the licence holder, and publishing the notice in such manner as the Postal Services Commission considers appropriate for the purpose of bringing the matters to which the notice relates to the attention of persons likely to be affected by them: s 19(1), (2).

12 Ibid s 17(4). The notice must state that the Postal Services Commission proposes to make the modifications, the effect of the modifications, and the reasons for the modifications: s 19(3). The Postal Services Commission must include with the notice a copy of any representations made in accordance with the notice under s 17(3) and not withdrawn, and such information (including information about any change in circumstances since the report was made) as the Commission considers it desirable for the Competition Commission to have: s 19(4).

13 The Competition Commission may give a direction if it considers that the modifications set out in the notice are not the modifications which are needed for the purpose of remedying or preventing all or any of the adverse effects specified by it in the report as effects which could be remedied or prevented by modifications: ibid s 18(1).

14 Ibid s 17(5).

15 Ibid s 17(6).

16 Ibid s 19(5).

17 Ibid s 18(2). The Competition Commission must give notice of any such direction given by it: s 19(6). The notice must state the modifications proposed by the Postal Services Commission, the terms of the direction, and the reasons for giving it: s 19(7). The notice must be given by serving a copy of the notice on the licence holder, the Postal Services Commission and the Secretary of State, and publishing the notice in such manner as the Competition Commission considers appropriate for the purpose of bringing the matters to which the notice relates to the attention of persons likely to be affected by them: s 19(10). The Competition Commission may only give a direction within the period of four weeks starting with the date on which the notice is given: s 18(3). However, the Secretary of State may, on the application of the Competition Commission and within the period of four weeks, direct that the period is extended by 14 days: s 18(4).

18 Ibid s 18(5). As soon as practicable after making such modifications the Competition Commission must send a copy of the modifications to the licence holder, the Postal Services Commission, the Council and the Secretary of State: s 19(11). In making such modifications, the Competition Commission must have regard to the matters to which the Postal Services Commission is required to have regard when determining the conditions of a licence: s 18(6). Before making such modifications the Competition Commission must give notice of the modifications, and consider any representations made in accordance with the notice and not withdrawn; s 19(8). The notice must state that the Competition Commission proposes to make the modifications, the effect of the modifications, the reasons for the modifications, and the period (not less than 28 days starting with the date of publication of the notice) within which representations may be made in relation to the proposed modifications: s 19(9). The notice must be given by serving a copy of the notice on the licence holder, the Postal Services Commission and the Secretary of State, and publishing the notice in such manner as the Competition Commission considers appropriate for the purpose of bringing the matters to which the notice relates to the attention of persons likely to be affected by them: s 19(10).

19 Ibid s 18(7). The Competition Commission must have regard to any such information given: s 18(8).

For further provision in relation to ss 18, 19, see s 19A (added by Enterprise Act 2002 Sch 25 para 42(4); and amended by Communications Act 2003 Sch 16 para 6(3)).

20 For the meaning of 'relevant order' see Postal Services Act 2000 s 21(2) (substituted by Enterprise Act 2002 Sch 9 para 14).

21 Postal Services Act 2000 s 21(1) (substituted by Enterprise Act 2002 Sch 9 para 14). As soon as practicable after making such modifications the relevant authority must send a copy of the modifications to the licence holder, the Postal Services Commission and the Council: Postal Services Act 2000 s 21(5) (amended by Enterprise Act 2002 Sch 9 para 14).

3. References to the Competition Commission

The Postal Services Commission¹ may make to the Competition Commission² a reference requiring the Competition Commission to investigate and report on whether any matters, which are specified in the reference and which relate to the provision of postal services whose provision is authorised or required by a licence, operate against the public interest or may be expected to do so, if so, whether the effects adverse to the public interest which the matters have or may be expected to have could be remedied or prevented by modifying the conditions of the licence³. The Postal Services Commission may at any time by notice given to the Competition Commission vary a reference by adding to the matters specified in it or by excluding from it one or more of those matters, and on receiving a notice the Competition Commission must give effect to the variation⁴. The Postal Services Commission may, for the purpose of assisting the Competition Commission in its investigation on the reference or the reference as varied, specify in the reference or a variation of it, any effects adverse to the public interest which it considers that the matters specified in the reference or variation have or may be expected to have, and any modifications of the conditions of the licence by which it considers that those effects could be remedied or prevented⁵. As soon as practicable after making a reference or variation the Postal Services Commission must give notice of it by serving a copy of the reference or variation on the licence holder and the Secretary of State, and publishing particulars of the reference or variation in such manner as the Postal Services Commission considers appropriate for the purpose

of bringing it to the attention of persons likely to be affected by it⁶. The Secretary of State may, before the end of the period of 28 days starting with the day on which he receives the copy, direct the Competition Commission not to proceed with the reference or not to give effect to the variation⁷. The Postal Services Commission must, for the purpose of assisting the Competition Commission in carrying out an investigation on a reference, give to the Competition Commission any information the Postal Services Commission has which relates to matters within the scope of the investigation and which the Competition Commission requests, any information the Postal Services Commission has which relates to matters within the scope of the investigation and which the Postal Services Commission considers that it would be appropriate for it to give without a request, any other assistance which the Postal Services Commission is able to give in relation to matters within the scope of the investigation and which the Competition Commission requests⁸.

In making such a report the Competition Commission must include definite conclusions on the questions contained in the reference and such an account of its reasons for the conclusions as it considers facilitates a proper understanding of the questions and of the conclusions, if it concludes that any of the matters specified in the reference operate against the public interest or may be expected to do so, must specify the effects adverse to the public interest which the matters have or may be expected to have, if it concludes that any adverse effects so specified could be remedied or prevented by modifications of the conditions of the licence, must specify modifications by which the effects could be remedied or prevented⁹. A report must be made to the Postal Services Commission, and on receiving such a report, it must serve a copy on the Secretary of State, and, after the end of the period of 14 days¹⁰ starting with the day on which the Secretary of State receives the copy, must publish the report in such manner as it considers appropriate for the purpose of bringing it to the attention of persons likely to be affected by it¹¹.

1 See PARA 10.

2 As to the Competition Commission see SALE OF GOODS AND SUPPLY OF SERVICES vol 41 (2005 Reissue) PARA 405.

3 Postal Services Act 2000 s 15(1). In deciding whether a matter operates, or may be expected to operate, against the public interest the Competition Commission must have regard to the matters as respects which duties are imposed on the Postal Services Commission by ss 3 (see PARA 24), 5 (see PARA 10A): s 15(8). As to the Postal Services Commission's power to modify licences see PARA 80.2.

4 Ibid s 15(2).

5 Ibid s 15(3).

6 Ibid s 15(4).

7 Ibid s 15(5).

8 Ibid s 15(6). In carrying out the investigation concerned the Competition Commission must have regard to any information so given: s 15(7).

See further ss 15A, 15B (both added by Enterprise Act 2002 Sch 25 para 42(2); 2000 Act s 15B amended by Communications Act 2003 Sch 16 para 6(2)).

9 Postal Services Act 2000 s 16(1).

10 If the Secretary of State considers that the publication of any matter would be against the public interest or any person's commercial interests, he may before the end of the 14-day period direct the Postal Services Commission to exclude the matter from every copy of the report to be published: s 16(4).

11 Ibid s 16(2), (3), (5). As to service generally see s 121.

For further provision in relation to reports on references under s 15 see s 16A (added by Enterprise Act 2002 Sch 25 para 42(3)).

4. Enforcement orders

If the Postal Services Commission¹ is satisfied that a licence holder is contravening any relevant requirement², or is likely to contravene any such requirement, it may by order ('a final order') make such provision as is needed for the purpose of securing compliance with the requirement³. Such an order may require the licence holder to do, or not to do, such things as are specified in the order or are of a description so specified, may take effect at such time, being the earliest practicable time, as is determined by or under the order, and may be revoked at any time by the Commission⁴.

If the Commission is not satisfied that a licence holder is contravening any relevant requirement or is likely to contravene any such requirement, but it appears to the Commission that the licence holder is contravening any relevant requirement or is likely to contravene any such requirement, and that a provisional order is needed⁵, it may by order ('a provisional order') make such provision as it considers is needed for the purpose of securing compliance with the relevant requirement⁶. A provisional order may require the licence holder to do, or not to do, such things as are specified in the order or are of a description so specified, may take effect at such time, being the earliest practicable time, as is determined by or under the order, and may be revoked at any time by the Commission⁷. A provisional order must, subject to any earlier revocation by the Commission, have effect for such period not exceeding three months as is determined by or under the order and which starts when the order takes effect⁸. A provisional order may not be made in any case where a previous such order has been made in respect of the same contravention or apprehended contravention by the licence holder⁹. The Commission must confirm a provisional order, with or without modifications, if it is satisfied that the licence holder is contravening any relevant requirement or is likely to contravene any such requirement, and it considers that confirmation of the order, with any modifications, is needed for the purpose of securing compliance with the requirement¹⁰. Where the Commission so confirms a provisional order, the order continues to have effect until such time, if any, as the Commission revokes it¹¹.

The Commission must not make a final order or make or confirm a provisional order if it is satisfied that the duties imposed¹² on it preclude it from doing so, or the licence holder has agreed to take and is taking all the steps that the Commission considers appropriate to secure or facilitate compliance with the relevant requirement concerned, or the contraventions or apprehended contraventions are trivial¹³.

Before making a final order or confirming a provisional order, the Commission must give notice of the proposed order or confirmation, and consider any representations made in accordance with the notice and not withdrawn¹⁴. The notice must state that the Commission proposes to make or confirm the order, the effect of the order, the relevant requirement for the purpose of securing compliance with which the order is to be made or confirmed, the acts or omissions which the Commission considers constitute or would constitute contraventions of that relevant requirement, any other facts which the Commission considers justify the making or confirmation of the order, and the period, not less than 21 days starting with the date of publication of the notice, within which representations may be made in relation to the proposed order or confirmation¹⁵. The notice must be given by serving on the licence holder and the National Consumer Council¹⁶ a copy of the notice and a copy of the order proposed, or proposed to be confirmed, and by publishing the notice in such manner as the Commission considers appropriate for the purpose of bringing the matters to which the

notice relates to the attention of persons likely to be affected by them¹⁷. As soon as practicable after making a final order, or making or confirming a provisional order, the Commission must serve a copy of the order on the licence holder and the Council, and publish the order in such manner as the Commission considers appropriate for the purpose of bringing it to the attention of persons likely to be affected by it¹⁸.

The Commission must not make a final order with modifications, or confirm a provisional order with modifications, unless (1) the licence holder consents to the modifications and the Commission has given notice of the proposed modifications to the Council, and has considered any representations made in accordance with the notice and not withdrawn; or (2) the Commission gives notice of the proposed modifications, and considers any representations made in accordance with the notice and not withdrawn¹⁹. A notice under head (1) or (2) above must state the proposed modifications, the reasons for them, and the period, not less than seven days starting with the date of the giving or publication, as the case may be, of the notice within which representations may be made in relation to the proposed modifications²⁰.

If a licence holder to whom a final or provisional order relates is aggrieved by the order and wants to question its validity on the ground that its making or confirmation was not within the Commission's powers²¹, or any of the notice requirements²² have not been complied with in relation to the making or confirmation of the order, then the licence holder may apply to the High Court²³. If a copy of the order as made or confirmed was served on the licence holder the application to the court must be made within the period of 42 days starting with the day on which the copy was served on the licence holder²⁴. The court may quash the order or any provision of it if the court considers it appropriate to do so and is satisfied that the making or confirmation of the order was not within the powers conferred, or any of the notice requirements were not complied with in relation to the making or confirmation of the order and the interests of the licence holder have been substantially prejudiced by the non-compliance²⁵. Where an application has been made, the licence holder concerned is not required to comply with the order to which the application relates until the application has been determined, withdrawn or otherwise dealt with²⁶. Except as detailed above, the validity of a final or provisional order must not be questioned in any legal proceedings²⁷.

The licence holder to whom a final or provisional order relates has a duty to comply with it²⁸. The duty is owed to any person who may be affected by a contravention of the order²⁹. Any breach of the duty which causes such a person to sustain loss or damage is actionable by him³⁰. Compliance with a final or provisional order is also enforceable by civil proceedings brought by the Commission for an injunction or for any other appropriate relief or remedy³¹.

1 See PARA 10.

2 'Relevant requirement', in relation to a licence holder, means (1) a condition of the licence holder's licence, or (2) an obligation imposed under s 61A, or (3) an obligation imposed on the licence holder by virtue of the Consumers, Estate Agents and Redress Act 2007 s 25(5) (directions to comply with requirements to provide information under s 24), or (4) an obligation imposed under s 43, 46 or 47 (complaints): Postal Services Act 2000 s 22(5) (substituted by Consumers, Estate Agents and Redress Act 2007 Sch 2 para 3(2)(b); and amended by s 52(4), Sch 5 para 3).

3 Postal Services Act 2000 s 22(1), (5) (s 22(1) amended by Consumers, Estate Agents and Redress Act 2007 Sch 2 para 3(2)(a)). As to licences generally see PARA 80.1. See *R (on the application of the Consumer Council for Postal Services) v Postal Services Commission* [2007] EWCA Civ 167, (2007) Times, 13 April (Commission entitled not to take enforcement proceedings against licence holder as licence holder entitled to refuse compensation to customer in default of credit terms without reasonable excuse).

4 Postal Services Act 2000 s 22(2). An order has effect until such time, if any, as the Commission revokes it: s 22(3). Before revoking a final order, the Commission must give notice of the proposed

revocation, and consider any representations made in accordance with the notice and not withdrawn: s 27(5). The notice must state that the Commission proposes to revoke the order, the effect of the proposed revocation, and the period, not less than 21 days starting with the date of publication of the notice, within which representations may be made in relation to the proposed revocation: s 27(6). As soon as practicable after revoking a final order, the Commission must give notice of the revocation: s 27(7). If, after giving notice, the Commission decides not to revoke the order, it must give notice of that decision: s 27(8). Notices under s 27(7), (8) must be given by serving a copy of the notice on the licence holder and the Council, and by publishing the notice in such manner as the Commission considers appropriate for the purpose of bringing the matters to which the notice relates to the attention of persons likely to be affected by them: s 27(11).

5 In deciding whether a provisional order is needed the Commission must have regard, in particular, to the extent to which any person is likely to sustain loss or damage as a result of anything likely to be done or omitted in contravention of the relevant requirement before a final order may be made: *ibid* s 23(3) (amended by Consumers, Estate Agents and Redress Act 2007 Sch 2 para 3(3)(c)).

6 Postal Services Act 2000 s 23(1), (2), (8) (s 23(1), (2) amended by Consumers, Estate Agents and Redress Act 2007 Sch 2 para 3(3)(a), (b)).

7 Postal Services Act 2000 s 23(4). Before revoking a provisional order which has been confirmed, the Commission must give notice of the proposed revocation, and consider any representations made in accordance with the notice and not withdrawn: s 27(5). The notice must state that the Commission proposes to revoke the order, the effect of the proposed revocation, and the period, not less than 21 days starting with the date of publication of the notice, within which representations may be made in relation to the proposed revocation: s 27(6). As soon as practicable after revoking a provisional order which has been confirmed, the Commission must give notice of the revocation: s 27(7). If, after giving notice, the Commission decides not to revoke the order, it must give notice of that decision: s 27(8). Notices under s 27(7), (8) must be given by serving a copy of the notice on the licence holder and the Council, and by publishing the notice in such manner as the Commission considers appropriate for the purpose of bringing the matters to which the notice relates to the attention of persons likely to be affected by them: s 27(11).

8 *Ibid* s 23(5).

9 *Ibid* s 23(6).

10 *Ibid* s 24(1) (amended by Consumers, Estate Agents and Redress Act 2007 Sch 2 para 3(4)).

11 Postal Services Act 2000 s 24(2).

12 Ie by *ibid* ss 3 (see PARA 24), 5 (see PARA 10A).

13 *Ibid* s 25 (amended by Consumers, Estate Agents and Redress Act 2007 Sch 2 para 3(5)).

14 Postal Services Act 2000 s 26(1). If, after giving notice, the Commission decides not to make a final order or confirm a provisional order or revoke the order, it must give notice of that decision: s 27(8). The notice must be given by serving a copy of the notice on the licence holder and the Council, and by publishing the notice in such manner as the Commission considers appropriate for the purpose of bringing the matters to which the notice relates to the attention of persons likely to be affected by them: s 27(11). As to the giving of notices generally see s 121.

15 *Ibid* s 26(2) (amended by Consumers, Estate Agents and Redress Act 2007 Sch 2 para 3(6)).

16 As to the Council see PARA 43-51.

17 Postal Services Act 2000 s 26(3).

18 *Ibid* s 26(4).

19 *Ibid* s 27(1)-(3). If, after giving notice, the Commission decides not to make a final order or confirm a provisional order, it must give notice of that decision: s 27(8). The notice must be given by serving a copy of the notice on the licence holder and the Council, and by publishing the notice in such manner as the Commission considers appropriate for the purpose of bringing the matters to which the notice relates to the attention of persons likely to be affected by them: s 27(11). If, after giving notice under TEXT head (1), the Commission decides not to make a final order or confirm a provisional order, it must give notice of that decision to the licence holder concerned and the Council: s 27(9). The notice under TEXT head (1) must be given by serving a copy of the notice on the Council

and a notice under s 27(9) must be given by serving a copy of the notice on the licence holder and the Council: s 27(10).

20 Ibid s 27(4).

21 Ie as conferred by ibid ss 22-24.

22 Ie as required by ss 26, 27.

23 Ibid s 28(1), (2), (7)(a).

24 Ibid s 28(3).

25 Ibid s 28(4).

26 Ibid s 28(5).

27 Ibid s 28(6).

28 Ibid s 29(1).

29 Ibid s 29(2).

30 Ibid s 29(3). In any such proceedings brought against a licence holder it is a defence for the licence holder to show that he took all reasonable steps and exercised all due diligence to avoid contravening the order: s 29(4).

31 Ibid s 29(5). This provision does not prejudice any right that a person may have to bring civil proceedings for contravention or apprehended contravention of a final or provisional order: s 29(6).

5. Financial penalties

If the Postal Services Commission¹ is satisfied that a licence holder has contravened any relevant requirement², or is contravening any such requirement, it may impose on the licence holder a penalty of such amount as is reasonable³. The Commission may impose a penalty in respect of a contravention of a relevant requirement irrespective of whether it has made or may make a final or provisional order⁴ in respect of that contravention⁵.

The Commission must prepare and publish a statement of policy in relation to the imposition of penalties and the determination of their amount⁶. In deciding whether to impose a penalty, and in determining the amount of any penalty, the Commission must have regard to the statement of policy which was most recently published at the time when the contravention concerned occurred⁷. The Commission may revise its statement of policy and, where it does so, it must publish the revised statement⁸. Publication must be in such manner as the Commission considers appropriate for the purpose of bringing the matters contained in the statement of policy to the attention of persons likely to be affected by them⁹. The Commission must consult the National Consumer Council¹⁰ and such other persons as it considers appropriate when preparing or revising its statement of policy¹¹.

Before imposing a penalty, the Commission must give notice¹² of the proposed penalty, and consider any representations made in accordance with the notice and not withdrawn¹³. As soon as practicable after imposing a penalty, the Commission must give notice¹⁴ of the penalty¹⁵. A notice must be given by serving a copy of the notice on the licence holder and the Council, and by publishing the notice in such manner as the Commission considers appropriate for the purpose of bringing the matters to which the notice relates to the attention of persons likely to be affected by them¹⁶.

The Commission must not vary the proposed amount of a penalty unless the licence holder consents to the variation, or the Commission has given notice¹⁷ of the proposed

variation, and considered any representations made in accordance with the notice and not withdrawn¹⁸. If, after giving notice, the Commission decides not to impose a penalty, it must give notice of that decision¹⁹.

No penalty may be imposed in respect of a contravention of a relevant requirement where a provisional order has been made but not confirmed in respect of the contravention and no final order has been made in respect of it, unless a copy of the notice²⁰ has been served on the licence holder no later than six months starting with the date on which the provisional order was made, or where a provisional order has been confirmed or a final order made in respect of the contravention, unless a copy of the notice has been served on the licence holder no later than three months starting with the date on which the order was confirmed or, as the case may be, made²¹. No penalty may be imposed in respect of a contravention of a relevant requirement for which no provisional or final order has been made unless a copy of the notice has been served on the licence holder within 12 months from the time of the contravention²².

1 See PARA 10.

2 As to licences generally see PARA 80.1.

3 Postal Services Act 2000 s 30(1) (amended by Consumers, Estate Agents and Redress Act 2007 Sch 2 para 3(7)(a)). No such penalty may exceed 10 per cent of the turnover of the licence holder: Postal Services Act 2000 s 30(2). The turnover of a licence holder is the licence holder's annual turnover: Postal Services Act 2000 (Determination of Turnover for Penalties) Order 2001, SI 2001/1135, art 2(1). Where the Postal Services Commission is satisfied that a licence holder has contravened any condition of the licence for a period which is greater than one year but less than or equal to two years, the turnover is the annual turnover multiplied by 2: SI 2002/125 art 2(2). Where the Commission is satisfied that a licence holder has contravened any provision of the licence for a period greater than two years, the turnover is the annual turnover multiplied by 3: SI 2001/1135 art 2(3). A licence holder's annual turnover is the relevant turnover derived by the licence holder from the provision of relevant services during the financial year (as defined by the licence) preceding the date on which the Commission gives notice of a proposed penalty under the Postal Services Act 2000 s 32(1)(a): SI 2001/1135 art 3(1). Where the period beginning with the day on which the licence was granted and ending on the day on which the Commission gives notice of a proposed penalty does not include a financial year, or the licence holder's financial year is not defined by the licence, a licence holder's annual turnover is the amount which bears the same proportion to the relevant turnover derived by the licence holder from the provision of relevant services during the licence period as 365 bears to the number of days in the licence period: art 3(2). 'Licence period' means the period beginning with the day on which the licence was granted and ending on the last day of the month preceding that in which the Commission gives notice of a proposed penalty; 'relevant services' means the services which the licence holder is authorised by the licence to provide; and 'relevant turnover' means turnover after deduction of sales rebates, value added tax and other taxes directly relating to turnover: art 3(3). It may be inevitable for assumptions or estimates to be made in assessing the penalty: *Royal Mail Group plc v Postal Services Commission* [2007] EWHC 635 (Admin), [2007] All ER (D) 220 (Mar).

The validity of a penalty is not to be questioned in any legal proceedings, except as provided for by the 2000 Act s 36 (see PARA 80.6): s 36(10).

4 As to final and provisional orders see PARA 80.4.

5 Postal Services Act 2000 s 30(3) (amended by Consumers, Estate Agents and Redress Act 2007 Sch 2 para 3(7)(b)).

6 Postal Services Act 2000 s 31(1).

7 Ibid s 31(2). See *Royal Mail Group plc v Postal Services Commission* [2008] EWCA Civ 33, [2008] All ER (D) 50 (Feb).

8 Postal Services Act 2000 s 31(3).

9 Ibid s 31(4).

10 As to the Council see PARA 43-51.

11 Postal Services Act 2000 s 31(5).

12 The notice must state (1) that the Commission proposes to impose a penalty; (2) the amount of the proposed penalty; (3) the relevant requirement which the Commission is satisfied has been contravened or is being contravened; (4) the acts or omissions which the Commission considers constitute the contravention; (5) any other facts which the Commission considers justify the imposition of a penalty and the amount of the proposed penalty; (6) the manner in which, and place at which, it is proposed to require the penalty to be paid; and (7) the period, not less than 21 days starting with the date of publication of the notice, within which representations may be made in relation to the proposed penalty: *ibid* s 32(2) (amended by Consumers, Estate Agents and Redress Act 2007 Sch 2 para 3(8)(a)).

13 Postal Services Act 2000 s 32(1).

14 The notice must state (1) that the Commission has imposed a penalty on the licence holder; (2) the amount of the penalty; (3) the relevant requirement which the Commission is satisfied has been contravened or is being contravened; (4) the acts or omissions which the Commission considers constitute the contravention; (5) any other facts which the Commission considers justify the imposition of a penalty and the amount of the penalty; (6) the manner in which, and place at which, the penalty is required to be paid; and (7) the date or dates, no earlier than the end of the period of 42 days from the date of service of the notice on the licence holder, by which the penalty or, as the case may be, different portions of it are required to be paid: *ibid* s 32(4) (amended by Consumers, Estate Agents and Redress Act 2007 Sch 2 para 3(8)(b)). If the whole or any portion of a penalty is not paid by the date by which it is required to be paid, the unpaid balance from time to time carries interest at the rate for the time being specified in the Judgments Act 1838 s 17 (see CIVIL PROCEDURE vol 12 (2009) PARA 1149): Postal Services Act 2000 s 35(1). If a portion of a penalty has not been paid by the date required for it, the Commission may, where it considers it appropriate to do so, require so much of the penalty as has not already been paid to be paid immediately: s 35(3).

15 *Ibid* s 32(3). The licence holder may, within 21 days of the date of service on him of such a notice, apply to the Commission for it to specify a different date or, as the case may be, different dates by which the penalty or, as the case may be, different portions of it are to be paid: s 32(5). Where such an application has been made, the penalty must not be required to be paid until the application has been determined, withdrawn or otherwise dealt with: s 35(2).

16 *Ibid* s 32(6). As to service generally see s 121.

17 The notice must state the proposed variation, the reasons for it, and the period, not less than seven days starting with the date of publication of the notice, within which representations may be made in relation to the proposed variation: *ibid* s 38(3). The notice must be given by serving a copy of the notice on the licence holder and the Council, and by publishing the notice in such manner as the Commission considers appropriate for the purpose of bringing the matters to which the notice relates to the attention of persons likely to be affected by them: s 38(5).

18 *Ibid* s 38(1), (2).

19 *Ibid* s 38(4).

20 Ie the notice given under *ibid* s 32(1).

21 *Ibid* s 34(1) (amended by Consumers, Estate Agents and Redress Act 2007 Sch 2 para 3(9)(a)).

22 Postal Services Act 2000 s 34(2) (amended by Consumers, Estate Agents and Redress Act 2007 Sch 2 para 3(9)(b)).

6. Appeals

If a licence¹ holder on whom a penalty is imposed² is aggrieved by the imposition of the penalty, the amount of the penalty, or the date by which the penalty is required to be paid or, as the case may be, the different dates by which portions of the penalty are required to be paid, the licence holder may apply to the High Court³.

If a copy of the notice notifying the imposition of a penalty⁴ was served on the licence holder, the application to the court must be made within the period of 42 days starting

with the day on which the copy was served on the licence holder⁵. If the application relates to a decision of the Postal Services Commission⁶ on an application by a licence holder to alter the date of payment of the penalty⁷, the application to the High Court must be made within the period of 42 days starting with the day on which the licence holder is notified of the decision⁸.

Following an application to appeal, the court may quash the penalty, substitute a penalty of such lesser amount⁹ as the court considers appropriate, or, in a case concerning a grievance with the date or dates imposed by which the penalty is required to be paid, substitute an alternative date or dates¹⁰, if it considers it appropriate to do so and is satisfied (1) that the imposition of the penalty was not within the powers of the Commission¹¹; or (2) that any of the notice requirements¹² have not been complied with in relation to the imposition of the penalty and the interests of the licence holder have been substantially prejudiced by the non-compliance; (3) that it was unreasonable of the Commission to require the penalty to be paid by the date concerned or, as the case may be, to require portions of it to be paid by the dates concerned¹³. Where an application has been made, the penalty is not required to be paid until the application has been determined, withdrawn or otherwise dealt with¹⁴.

Where a penalty, or any portion of such a penalty, has not been paid by the date on which it is required to be paid and no application as set out above relating to the penalty has been made during the period within which such an application may be made, or any such application which has been made has been determined, withdrawn or otherwise dealt with, the Commission may recover from the licence holder any of the penalty and any interest which has not been paid; and such penalty and interest may be recovered as a civil debt due to the Commission¹⁵.

1 As to licences generally see PARA 80.1.

2 As to penalties see PARA 80.5.

3 Postal Services Act 2000 s (1), (2), (11).

4 Ie, served under ibid s 32(3): see PARA 80.5.

5 Ibid s 36(3).

6 See PARA 10.

7 Such an application is made under Postal Services Act 2000 s 32(5): see PARA 80.5.

8 Ibid s 36(4).

9 Where the court substitutes a penalty of a lesser amount it may require the payment of interest on the substituted penalty at such rate, and from such date, as it considers appropriate: ibid s 36(8).

10 Where the court specifies as such a date a date before the determination of the application it may require the payment of interest on the penalty, or portion, from that date at such rate as it considers appropriate: ibid s 36(9).

11 Ie, the powers conferred by ibid s 30: see PARA 80.5.

12 Ie, the requirements of ibid ss 32, 33: see PARA 80.5.

13 Ibid s 36(5), (6).

14 Ibid s 36(7).

15 Ibid s 37.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(2) THE POST OFFICE'S EXCLUSIVE PRIVILEGE OF CONVEYING LETTERS/80A. Corporate licence holders.

80A. Corporate licence holders.

Any licence holder which is a company¹ must, as soon as practicable after the end of each financial year of the company, make a statement to the Postal Services Commission² (1) disclosing whether or not remuneration³ has been paid or become due during that financial year to the directors of the company as a result of certain arrangements⁴; and (2) where such remuneration has been paid or become due, describing the arrangements and the remuneration⁵. A description under head (2) above must include (a) a statement of when the arrangements were made; (b) a description of the standards of performance in question; (c) an explanation of the means by which the standards of performance are assessed; and (d) an explanation of how the remuneration was calculated⁶. The statement must be made to the Commission in such manner as may be required by the Commission⁷, and it must be published by the company making the statement in such manner as it considers will secure adequate publicity for the statement, and may be published by the Commission in such manner as it may consider appropriate⁸.

The duty of a company under the above provisions applies in relation to any person who has at any time been a director of the company⁹.

1 ie within the meaning of the Companies Act 2006: Postal Services Act 2000 s 40(10) (amended by SI 2009/1941).

2 See PARA 10.

3 'Remuneration' in relation to a director of a company means any form of payment, consideration or other benefit, including pension benefit, paid or due to or in respect of the director, and includes remuneration in respect of any of his services while a director of the company: Postal Services Act 2000 s 40(10).

4 Those arrangements are arrangements for linking the remuneration of the directors to standards of performance specified for the company in its licence, or determined for the company by or under the licence, or set or agreed to by the company, in relation to the provision of services authorised or required by the licence: *ibid* s 40(3). As to licences see PARA 80.

5 *Ibid* s 40(1), (2). The statement must also state whether or not there are in force in respect of the financial year during which the statement is made arrangements falling within s 40(3), and if not, whether the company intends that such arrangements will be in force at some time during that financial year, and if there are, or it is intended that there will be, such arrangements in force the statement must describe those arrangements: s 40(5). Such a description must include the matters mentioned in heads (a)-(c) (see TEXT AND NOTE 6), and, where the arrangements described are different from any arrangements described under head (2) state the likely effect of those differences on the remuneration of each director of the company: s 40(6).

6 *Ibid* s 40(4).

7 *Ibid* s 40(7).

8 *Ibid* s 40(8).

9 *Ibid* s 40(9).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(2) THE POST OFFICE'S EXCLUSIVE PRIVILEGE OF CONVEYING LETTERS/81. Power of the Secretary of State to suspend the exclusive privilege.

81. Power of the Secretary of State to suspend the exclusive privilege.

The Secretary of State¹ may, after consultation with the Post Office, by order suspend the exclusive privilege² conferred on the Post Office for such a period and to such extent as may be specified in the order³. For the purposes of any such order, any definition of a class of letters⁴ may be framed by reference to any circumstances whatever⁵.

An order, which must be made by statutory instrument⁶, may contain such supplementary, incidental and consequential provisions as may appear to the Secretary of State to be necessary or expedient⁷. Such an order came into force on 7 November 1981, suspending until the end of the year 2006 the postal monopoly in respect of all letters which either weigh 350 grams or more or for which a sum of £1 or more is charged for conveyance⁸.

1 As to the Secretary of State see PARA 1 note 6 ante.

2 As to the exclusive privilege see PARA 78 ante.

3 British Telecommunications Act 1981 s 69(1).

4 'Letter', for this purpose, has the same meaning as in *ibid* s 66 (see PARA 78 note 2 ante): s 69(2).

5 *Ibid* s 69(2).

6 *Ibid* s 69(4). The statutory instrument is subject to annulment in pursuance of a resolution of either House of Parliament: s 69(4). As to statutory instruments which are subject to annulment see the Statutory Instruments Act 1946 ss 5(1), 7(1); and STATUTES vol 44(1) (Reissue) PARA 1516.

7 British Telecommunications Act 1981 s 69(3).

8 Postal Privilege (Suspension) Order 1981, SI 1981/1483, art 2(2) (amended by the Postal Services Regulations 1999, SI 1999/2107, reg 5). The reference to conveyance of a letter includes the reference to the performance of all the incidental services of receiving, collecting and delivering letters: Postal Privilege (Suspension) Order 1981, SI 1981/1483, art 2(2). The Postal Privilege (Suspension) Order 1999, SI 1999/1933, which comes into force on 1 April 2000, suspends the privilege until the end of the year 2006 in relation to letters for which a sum of 50 pence or more is charged for conveyance or which weigh more than 150 grams.

UPDATE

81 Power of the Secretary of State to suspend the [restriction]

TEXT AND NOTES--Replaced.

The Secretary of State may by order suspend the operation of the restriction¹, but only on the recommendation of the Postal Services Commission², or if he considers it expedient in the national interest³. Such a suspension must be for such period not exceeding six months as may be specified in the order, and to such extent as may be so specified⁴.

1 As to the restriction see PARA 78.

2 Postal Services Act 2000 s 9(1), (2). Where the Commission makes such a recommendation but the Secretary of State decides not to make such an order, the Secretary of State must lay before each House of Parliament a report containing the reasons for his decision: s 9(3). As to the Commission see PARA 10.

3 Ibid s 10.

4 Ibid s 10(a), (b).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(2) THE POST OFFICE'S EXCLUSIVE PRIVILEGE OF CONVEYING LETTERS/82.
Infringement of the monopoly.

82. Infringement of the monopoly.

Unless permitted by or under the relevant statutory provisions¹, a person² who: (1) does any act, or performs any service, which infringes the exclusive privilege conferred on the Post Office³; or (2) causes to be conveyed, or tenders or delivers in order to be conveyed, any letter⁴ by any means which infringes that privilege, is guilty of an offence⁵. A person guilty of an offence is liable either, on summary conviction, to a fine not exceeding the statutory maximum⁶, or, on conviction on indictment, to a fine⁷.

Where a body corporate is guilty of such an offence and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, is guilty of that offence and is liable to be proceeded against and punished accordingly⁸. Where the affairs of a body corporate are managed by its members, this provision applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate⁹.

No proceedings may be instituted in respect of such an offence except by or on behalf of the Secretary of State¹⁰.

1 Ie permitted by or under the British Telecommunications Act 1981 ss 67 (as amended), 68: see PARAS 79-80 ante.

2 For the meaning of 'person' see PARA 78 note 2 ante.

3 As to the exclusive privilege see PARA 78 ante.

4 For the meaning of 'letter' see PARA 78 note 2 ante.

5 British Telecommunications Act 1981 s 66(2).

6 The 'statutory maximum' means the prescribed sum within the meaning of the Magistrates' Courts Act 1980 s 32 (as amended) (see SENTENCING AND DISPOSITION OF OFFENDERS vol 92 (2010) PARA 140): Interpretation Act 1978 s 5, Sch 1 (amended by the Criminal Justice Act 1988 s 170(1), Sch 15 para 58). The prescribed sum is currently £5,000: Magistrates' Courts Act 1980 s 32(9) (amended by the Criminal Justice Act 1991 s 17(2)).

7 British Telecommunications Act 1981 s 66(3).

8 Ibid s 66(4).

9 Ibid s 66(4).

10 Ibid s 66(4A) (added by the Postal Services Regulations 1999, SI 1999/2107, reg 5. Without prejudice to the British Telecommunications Act 1981 s 66(4A) (as added), compliance with s 66 (as amended) is enforceable by civil proceedings by or on behalf of the Crown for an injunction or for any other appropriate relief: s 66(4B) (added by the Postal Services Regulations 1999, SI 1999/2107, reg 5). As to the Secretary of State see PARA 1 note 6 ante.

UPDATE**82 Infringement of the [restriction]**

TEXT AND NOTES--Replaced.

A person who contravenes the restriction on provision of postal services¹ commits an offence and is liable, on summary conviction, to a fine not exceeding the statutory maximum, on conviction on indictment, to a fine². The obligation to comply with the restriction is a duty owed to any person who may be affected by a contravention of it, and, where such a duty is owed, any breach of that duty which causes that person to sustain loss or damage may be actionable at the suit or instance of that person³.

Where, on an application made by a constable or the Commission, a justice of the peace is satisfied that there are reasonable grounds for suspecting that a person has committed an offence as set out above ('the suspect'), and that articles or documents of a particular description which are required for the purposes of an investigation of the offence are on particular premises⁴, the justice may issue a warrant authorising a person appointed by him ('the appointed person') to enter the premises concerned, search for the articles or documents and seize and remove any that he may find⁵. The appointed person may if necessary use reasonable force⁶. The appointed person, in seeking to enter any premises, must, if required by or on behalf of the owner or occupier or person in charge of the premises, produce evidence of his identity, and of the warrant, before entering⁷. Any articles or documents which have been seized and removed may be retained until the conclusion of proceedings against the suspect⁸.

1 As to the restriction see PARA 78.

2 Postal Services Act 2000 s 6(2). No proceedings may be instituted in respect of such an offence except by or on behalf of the Commission or the Secretary of State: s 6(3).

3 Ibid s 6(5). See *Consignia plc v Hays plc* (2002) Times, 24 January (civil action for damages not open to claimant with exclusive privilege) (decided under the British Telecommunications Act 1981 s 66).

4 'Premises' includes any vehicle, ship or aircraft: Postal Services Act 2000 s 49(8).

5 Ibid s 49(1), (2). Such a warrant must not authorise the seizure and removal of any postal packet, mail-bag or document to which s 104(2) (see PARA 90) applies, but any such warrant may authorise the appointed person to take copies of the cover of any such packet, bag or document that he finds: s 49(3). 'Mail-bag' includes any form of container or covering in which postal packets in the course of transmission by post are enclosed by a postal operator in the United Kingdom or a foreign postal administration for the purpose of conveyance by post, whether or not it contains any such packets: s 125(1). For the meaning of 'postal packet' see PARA 24 NOTE 3.

6 Ibid s 49(4).

7 Ibid s 49(5).

8 Ibid s 49(6). Proceedings in relation to a suspect are concluded if he is found guilty and sentenced or otherwise dealt with for the offence, he is acquitted, proceedings for the offence are discontinued, or it is decided not to prosecute him: s 49(7).

(3) THE LEGAL BASIS ON WHICH SERVICES ARE PROVIDED

(i) Post Office Schemes

83. Schemes for determining charges, terms and conditions.

As respects the services provided by it, the Post Office must make a scheme for determining each of the following: (1) the charges which are to be made by it, save in so far as they are the subject of an agreement between it and a person availing himself of those services¹; (2) the other terms and conditions which, save as previously mentioned, are to be applicable to those services²; and (3) procedures for dealing with users' complaints³.

With one exception⁴, no provision may be included in any such scheme for limiting the liability of the Post Office for loss or damage⁵ or for amending the rules of law with respect to evidence⁶.

A scheme may adopt such system for the determination of the charges and other terms and conditions that are to be applicable to the services to which it relates as may appear desirable⁷. In particular, in all or any cases, the scheme may leave to the Post Office the determination of such charges and other terms and conditions, subject to any conditions and limitations provided for in the scheme⁸. Schemes may make different provision for different cases or classes of cases determined by or in accordance with its provisions⁹, and may revoke or amend any previous scheme¹⁰.

1 Post Office Act 1969 s 28(1)(a) (amended by the Postal Services Regulations 1999, SI 1999/2107, reg 6).

2 Post Office Act 1969 s 28(1)(b) (amended by the Postal Services Regulations 1999, SI 1999/2107, reg 6).

3 Post Office Act 1969 s 28(1)(c) (amended by the Postal Services Regulations 1999, SI 1999/2107, reg 6).

4 Ie the exception provided by Post Office Act 1969 s 30(3): s 28(1) (amended by the British Telecommunications Act 1981 s 70(6)); see PARA 96 post.

5 As to statutory exemption from liability in tort see PARA 87 post.

6 Post Office Act 1969 s 28(1) (amended by the British Telecommunications Act 1981 s 70(6)). As to statutory provisions relating to evidence of postage and sums due with respect to postal services see PARA 94 post. As to evidence of customs or excise duties see PARA 164 note 6 post.

7 Post Office Act 1969 s 28(2).

8 Ibid s 28(2).

9 Ibid s 28(4).

10 Ibid s 28(6).

UPDATE

83 Schemes for determining charges, terms and conditions

TEXT AND NOTES--1969 Act s 28 replaced by Postal Services Act 2000 s 89.

Now a universal service provider may make a scheme in relation to the services provided by him in connection with the provision of a universal postal service or any of those services: s 89(1). As to the provision of a universal postal service see PARA 24.

NOTES 1-3--Now ibid s 89(2)(a)-(c).

NOTE 4--Exceptions now contained in ibid 92(5), (6) (see PARA 96): s 89(4).

TEXT AND NOTE 6--For 'the Post Office' read 'a universal service provider': ibid s 89(4).

TEXT AND NOTE 8--For 'Post Office' read 'universal service provider': ibid s 89(3)(a).

NOTE 9--1969 Act s 28(4) now Postal Services Act 2000 s 89(6)(a).

NOTE 10--Now ibid s 89(6)(b).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(3) THE LEGAL BASIS ON WHICH SERVICES ARE PROVIDED/(i) Post Office Schemes/83A. Schemes for subsidising public post offices.

83A. Schemes for subsidising public post offices.

1. Sub-Post Office Start-Up Capital Subsidy Scheme

The Secretary of State may make a payment of subsidy under a scheme¹ in respect of the costs of establishing a sub-post office² in a settlement if (1) a sub-post office in that settlement has closed within the 18 months preceding the making of the application for the payment³, or it appears to her that a sub-post office in that settlement is likely to close within six months of the making of the application for the payment; (2) it appears to her that, but for the making of the payment, no replacement sub-post office will be established in that settlement; (3) she is satisfied that there is a suitable person willing to act as sub-post master in respect of the proposed sub-post office; and (4) the settlement has a population of fewer than 10,000 inhabitants⁴. The Secretary of State may make a payment of subsidy under the scheme in respect of the costs of securing the continued operation of a sub-post office in a settlement if (a) it appears to her that, but for the making of the payment, it is likely that the sub-post office will close within six months of the making of the application for the payment; (b) she is satisfied that there is a suitable person willing to act as sub-post master in respect of the sub-post office; and (c) the settlement has a population of fewer than 10,000 inhabitants⁵. A payment of subsidy may be made to the person who owns or occupies, or who will own or occupy, the sub-post office which is the subject of the application for subsidy or to the sub-post master or the prospective sub-post master of that sub-post office⁶.

The maximum amount available for payment of subsidy under the scheme is £2,000,000⁷, and the maximum amount payable in respect of an application for subsidy under the scheme is £20,000⁸. A payment of subsidy under the scheme must meet the costs of the eligible items⁹ required for the establishment or continued operation, as the case may be, of the sub-post office or such proportion of those costs as the Secretary of State considers appropriate¹⁰.

In deciding whether to make a payment of subsidy under heads (1)-(4) or (a)-(c) above, the Secretary of State must have regard to the availability of grants and subsidies, in addition to subsidy under the scheme, for the establishment or continued operation, as the case may be, of the sub-post office, and whether the costs applied for represent reasonable value for money¹¹. In deciding whether to make a payment of subsidy where a sub-post office has closed, the Secretary of State must have regard to whether the settlement concerned is adequately served by the remaining sub-post offices in the settlement and in the surrounding area¹². In deciding whether to make a payment of subsidy where the sub-post-office is likely to close, the Secretary of State must have regard to whether the settlement concerned will be adequately served by other sub-post offices in the settlement or in the surrounding area if the sub-post office concerned closes¹³.

An offer of subsidy under the scheme must be made in writing and must include such terms and conditions, including terms and conditions as to repayment of subsidy, as the Secretary of State considers appropriate¹⁴. A payment of subsidy under the scheme which becomes repayable is recoverable as a debt¹⁵.

1 Ie the Sub-Post Office Start-Up Capital Subsidy Scheme which is set out in the Sub-Post Office Start-Up Capital Subsidy Scheme Order 2001, SI 2001/2664, Schedule. The functions of the Secretary of State under the Sub-Post Office Start-Up Capital Subsidy Scheme are exercisable by Post Office Counters Limited or any company which carries on, in succession to Post Office Counters Limited, the business carried on by that company as at 19 July 2001 ('the company'): para 2(1), (4). The company's exercise of functions is subject to such conditions as the Secretary of State may notify to the company in writing from time to time: para 2(2). A sum which, pursuant to those conditions, becomes repayable by the company to the Secretary of State is recoverable as a debt: para 2(3).

2 'Sub-post office' means a public post office from which services are provided on behalf of a universal service provider (see PARA 10 ante) but does not include a public post office owned or occupied by a universal service provider: ibid para 1.

3 An application for a payment of subsidy under the scheme must be made in such form as the Secretary of State may require: para 3.

4 Ibid para 4(1).

5 Ibid para 4(2).

6 Ibid para 4(3).

7 Ibid para 5(1).

8 Ibid para 5(2).

9 The eligible items are building works and structural alterations; installation of partitions, screens, counters and store cupboards; improvements to the means of access to the premises; redecoration and making good of the premises; provision of fixtures, fittings, furniture and equipment; provision of water supply, electricity supply, telephone lines and other services to the premises; costs of obtaining planning permissions, building regulation approvals and other consents and approvals; legal costs and other professional fees: ibid Annex.

10 Ibid para 5(3). A payment of subsidy under the scheme must, where the Secretary of State considers it appropriate, include the value added tax payable on the eligible items: para 5(4).

11 Ibid para 6(1).

12 Ibid para 6(2).

13 Ibid para 6(3).

14 Ibid para 7(1).

15 Ibid para 7(2).

2. Post Office Network Subsidy Scheme

The Secretary of State may make payments to the company¹ under a scheme² which will assist in the continued provision by the company of services to be provided from public post offices which it appears to the Secretary of State are likely, but for the making of the payments, to be closed³. The Secretary of State may make such payments in respect of the costs to the company of establishing public post offices if it appears to him that, but for making of the payments, it is likely that public post offices will not be provided in one or more areas of the United Kingdom⁴.

In deciding whether to make a payment under the scheme, the Secretary of State must have regard to the following criteria: (1) whether services will continue to be provided from a

national network of public post offices across the United Kingdom in the absence of the making of a payment⁵; (2) whether services will continue to be provided from public post offices or a network of public post offices in any particular area of the United Kingdom in the absence of the making of a payment⁶.

Each payment of subsidy under the scheme must meet such proportion of the costs or estimated costs associated with the establishment of public post offices or the provision of services to be provided from public post offices as the Secretary of State considers appropriate for that payment⁷.

1 Ie Post Office Limited, or any company which carries on, in succession to Post Office Limited, the business carried on by that company as at 22 March 2007: Post Office Network Subsidy Scheme para 1.

2 Ie the Post Office Network Subsidy Scheme which is set out in the Post Office Network Subsidy Scheme Order 2007, SI 2007/962, Schedule.

3 Post Office Network Subsidy Scheme para 2(1).

4 Ibid para 2(2).

5 Ibid para 3(a).

6 Ibid para 3(b).

7 Ibid para 4(1). However, the maximum amount payable under the scheme in any period of 12 months beginning on 1 April is to be £160,000,000: para 4(2). Payments under the scheme must be made subject to such terms and conditions (including terms and conditions as to repayment and as to the geographical distribution of public post offices that must be provided by the company and their accessibility to users of postal and other services) as the Secretary of State considers appropriate: para 5.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(3) THE LEGAL BASIS ON WHICH SERVICES ARE PROVIDED/(i) Post Office Schemes/84. Liability for charges.

84. Liability for charges.

A scheme¹ may specify the manner in which, the time at which and the person by whom the charges are to be paid². Any charge due by virtue of the statutory provision with respect to schemes³ may be recovered by the Post Office in any court of competent jurisdiction as if it were a simple contract debt⁴.

1 Ie a scheme made under the Post Office Act 1969 s 28 (as amended): see PARA 83 ante.

2 Ibid s 28(3).

3 Ie ibid s 28 (as amended).

4 Ibid s 28(5).

UPDATE

84 Liability for charges

NOTE 2--1969 Act s 28(3) now Postal Services Act 2000 s 89(3)(b).

NOTE 4--1969 Act s 28(5) now 2000 Act s 89(7).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(3) THE LEGAL BASIS ON WHICH SERVICES ARE PROVIDED/(i) Post Office Schemes/85. Commencement, publication and proof of schemes.

85. Commencement, publication and proof of schemes.

A scheme¹ comes into operation on such day as is specified in it, not being earlier than the day after that on which publication of the scheme in the London, Edinburgh and Belfast Gazettes has been effected². Conclusive evidence of a scheme may be given, in all courts of justice and in all legal proceedings, by the production of a copy of any of those publications purporting to contain it³.

- 1 ie a scheme made under the Post Office Act 1969 s 28 (as amended): see PARA 83 ante.
- 2 Ibid s 28(7).
- 3 Ibid s 28(7).

UPDATE

85 Commencement, publication and proof of schemes

NOTES 2, 3--1969 Act s 28(7) now Postal Services Act 2000 s 89(5), (8).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(3) THE LEGAL BASIS ON WHICH SERVICES ARE PROVIDED/(i) Post Office Schemes/86. Provision of services under schemes or under contracts.

86. Provision of services under schemes or under contracts.

The Post Office has made schemes for determining the charges, terms and conditions applicable to the postal services generally available to the public¹, and where services are provided on the basis of such a scheme there is no contract between the Post Office and the persons who use them².

In certain cases the Post Office provides postal services on a contractual basis; for example the Post Office enters into contracts with business users for the posting of pre-sorted mail in bulk, under special terms and conditions.

1 See (1) the Post Office Inland Letter Post Scheme 1989 (see PARA 95 post); (2) the Post Office Inland Parcel Post Scheme 1989 (see PARA 95 post); (3) the Post Office Overseas Letter Post Scheme 1982 (see PARA 121 post); (4) the Post Office Overseas Parcel Post Scheme 1982 (see PARA 121 post); and (5) the Post Office (Postal Order) Scheme 1971 (see PARA 148 post).

2 See *Triefus & Co Ltd v Post Office* [1957] 2 QB 352, [1957] 2 All ER 387, CA; *Gouriet v Union of Post Office Workers* [1978] AC 435 at 497, [1977] 3 All ER 70 at 96 HL, per Lord Diplock; *Harold Stephen & Co Ltd v*

Post Office [1978] 1 All ER 939 at 941-942, [1977] 1 WLR 1172 at 1177, CA, per Lord Denning MR. As to the exclusion of liability in tort see PARA 87 post.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(3) THE LEGAL BASIS ON WHICH SERVICES ARE PROVIDED/(ii) Statutory Provisions relating to the Postal Services generally/87. Exclusion of liability in relation to postal services.

(ii) Statutory Provisions relating to the Postal Services generally

87. Exclusion of liability in relation to postal services.

Except as provided by the Post Office Act 1969 with respect to certain inland packets¹, no proceedings in tort² lie against the Post Office in respect of any loss or damage suffered by any person³ by reason of anything done or omitted to be done in relation to anything in the post or omission to carry out arrangements for the collection of anything to be conveyed by post⁴.

Except at the suit of the Post Office, no officer⁵ or servant of the Post Office, or subpostmaster⁶, is subject to any civil liability for (1) any loss or damage for which liability of the Post Office is thus excluded; or (2) any loss of or damage to those inland packets for which the Post Office is liable by virtue of the Post Office Act 1969⁷. The same exemption from civil liability, except at the suit of the Post Office, is afforded to persons engaged in or about the carriage of mail and their officers, servants, agents and sub-contractors⁸.

The Post Office is not regarded as a common carrier in respect of any of its activities⁹.

1 le except as provided by the Post Office Act 1969 s 30 (as amended); see PARA 96 post.

2 'Proceedings in tort' includes proceedings for breach of bailment and for breach of statutory duty: *American Express Co v British Airways Board*[1983] 1 All ER 557, [1983] 1 WLR 701. See further TORT.

3 For the meaning of 'person' see PARA 78 note 2 ante.

4 Post Office Act 1969 s 29(1)(a). Where a service is provided on the basis of a scheme made under s 28 (as amended) the Post Office undertakes no contractual obligation with respect to it: see PARA 86 ante. The Post Office is under no legally enforceable duty as to the provision of postal services: see the British Telecommunications Act 1981 s 59(4); and PARA 24 ante.

5 For the purposes of the Post Office Act 1953, 'officer of the Post Office' includes the Postmaster General, and any person employed in any business of the Post Office, whether employed by the Postmaster General or by any person under him or on behalf of the Post Office: Post Office Act 1953 s 87(1).

6 As to the status of subpostmasters see PARA 36 note 1 ante.

7 Post Office Act 1969 s 29(2) (amended by the British Telecommunications Act 1981 ss 70(7), 89, Sch 6 Pt II). As to the inland packets for which the Post Office has statutory liability see the Post Office Act 1969 s 30 (as amended); and PARA 96 post.

8 Post Office Act 1969 s 29(3).

9 Ibid s 7(4). As to the liabilities of common carriers see CARRIAGE AND CARRIERS vol 7 (2008) PARA 7 et seq.

UPDATE

87 Exclusion of liability in relation to postal services

TEXT AND NOTES 1-8--1969 Act s 29 replaced by Postal Services Act 2000 s 90, which refers to a universal service provider instead of to the Post Office. As to the provision of a universal postal service see PARA 24.

NOTE 4--1969 Act s 29(1)(a) now 2000 Act s 90(1).

NOTE 7--1969 Act s 29(2) now 2000 Act s 90(2).

NOTE 8--Now *ibid* s 90(3).

NOTE 9--Now *ibid* s 99.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(3) THE LEGAL BASIS ON WHICH SERVICES ARE PROVIDED/(ii) Statutory Provisions relating to the Postal Services generally/88. Postal packets which it is an offence to send by post.

88. Postal packets which it is an offence to send by post.

It is a statutory offence punishable, on summary conviction, by a fine not exceeding the prescribed sum¹ or, on conviction on indictment, by imprisonment for a term not exceeding 12 months, to send or attempt to send or procure to be sent a postal packet² which:

- (1) except as the Post Office may either generally or in any particular case allow, encloses any explosive, dangerous, noxious or deleterious substance, any filth, any sharp instrument not properly protected, any noxious living creature or any creature, article or thing whatsoever which is likely to injure either other postal packets in course of conveyance or a person engaged in the business of the Post Office³; or
- (2) encloses any indecent or obscene⁴ print, painting, photograph, lithograph, engraving, cinematograph film, book, card or written communication, or any indecent or obscene article whether similar to those previously mentioned or not⁵; or
- (3) has on the packet, or on its cover, any words, marks or designs which are grossly offensive or are of an indecent or obscene character⁶.

The detention⁷ by the Post Office of any postal packet on the grounds of a contravention of the above provisions or of any provisions of a postal scheme⁸ does not exempt the sender of the packet from any proceedings which might have been taken if the packet has been delivered in due course of post⁹.

It is also an offence for a person to send or cause to be sent to another person any book, magazine or leaflet, or advertising material for any such publication, which he knows or ought reasonably to know is unsolicited and which describes or illustrates human sexual techniques¹⁰. A person found guilty of the offence is liable on summary conviction to a fine not exceeding level 5 on the standard scale¹¹.

1 For the meaning of 'prescribed sum' see PARA 82 note 6 ante.

2 'Postal packet' means a letter, postcard, reply postcard, newspaper, printed packet, sample packet or parcel, and every packet or article transmissible by post, and includes a telegram: Post Office Act 1953 s 87(1). 'Parcel' means every postal packet defined as a parcel by the provisions of a scheme made under the Post Office Act 1969 s 28: Post Office Act 1953 s 87(1). As to the schemes see PARA 83 ante.

3 Post Office Act 1953 s 11(1)(a) (amended by the Post Office Act 1969 s 76, 88, 139, Sch 4 para 2(3)), Post Office Act 1953 s 11(2) (amended by the Magistrates' Courts Act 1980 s 32(2)). See also PARA 37 note 1 ante.

4 For the meaning of 'indecent or obscene' see CRIMINAL LAW, EVIDENCE AND PROCEDURE vol 11(2) (2006 Reissue) PARA 765.

5 Post Office Act 1953 s 11(1)(b), (2) (s 11(2) as amended: see note 3 supra).

6 Ibid s 11(1)(c), (2) (s 11(2) as amended: see note 3 supra).

7 For the power of the Post Office to detain postal packets see PARA 89 post.

8 Ie a scheme made under the Post Office Act 1969 s 28 (as amended).

9 Post Office Act 1953 s 11(4) (amended by the Post Office Act 1969 ss 76, 88, 139, Sch 4 para 2(3)).

10 Unsolicited Goods and Services Act 1971 s 4(1).

11 Ibid s 4(2) (amended by the Criminal Justice Act 1982 ss 35, 46); and see CRIMINAL LAW, EVIDENCE AND PROCEDURE vol 11(2) (2006 Reissue) PARA 769. As to the standard scale see PARA 37 note 3 ante.

UPDATE

88 Postal packets which it is an offence to send by post

TEXT AND NOTES 1-9--1969 Act s 11 replaced by Postal Services Act 2000 s 85.

TEXT AND NOTE 1--For 'prescribed sum' read 'statutory maximum': ibid s 85(5)(a).

NOTE 2--For the meaning of 'postal packet' see now para 24 NOTE 3.

TEXT AND NOTE 3--For 'the Post Office' read 'a postal operator': 2000 Act s 85(1), (2), (5). For the meaning of 'postal operator' see PARA 10B NOTE 5.

NOTE 5--Now ibid s 85(3), (5).

NOTE 6--Now ibid s 85(4), (5).

TEXT AND NOTE 9--For 'the Post Office' read 'a postal operator': ibid s 107(3).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(3) THE LEGAL BASIS ON WHICH SERVICES ARE PROVIDED/(ii) Statutory Provisions relating to the Postal Services generally/89. Detention of postal packets sent in contravention of statutory provision or scheme.

89. Detention of postal packets sent in contravention of statutory provision or scheme.

If any postal packet¹ is posted or sent by post in contravention of the Post Office Act 1953 or of any provision of a scheme², the transmission of the packet may be refused and the packet may, if necessary, be detained and opened in the post office³, and it may be returned to the sender or forwarded to its destination, subject in either case to any provisions of a scheme as to additional postage or other charges, or may be destroyed or otherwise disposed of as the Post Office may direct⁴.

1 For the meaning of 'postal packet' see PARA 88 note 2 ante.

2 Ie a scheme made under the Post Office Act 1969 s 28 (as amended): see PARA 83 ante. Although the Post Office Act 1953 s 8(3) (as amended) (see note 4 infra) refers to regulations made under the Act, the provision now has effect as if for the references to regulations there were substituted references to the provisions of a scheme made under the Post Office Act 1969 s 28 (as amended): ss 76, 88, 139, Sch 4 para 2(2). As to prohibitions on sending certain articles by post imposed by the Post Office Act 1953 s 11 see PARA 88 ante. As to provisions of schemes prohibiting the posting of certain articles see PARAS 97 (inland post), 124 (overseas post) post.

3 For the meaning of 'post office' see PARA 65 note 1 ante.

4 Post Office Act 1953 s 8(3) (amended by the Post Office Act 1961 ss 16(1), 28(1) Schedule; and the Post Office Act 1969 ss 76, 88, 139, Sch 4 para 2(2)).

UPDATE

89 Detention of postal packets sent in contravention of statutory provision or scheme

TEXT AND NOTES--1953 Act s 8(3) now Postal Services Act 2000 s 107(1), which has effect without prejudice to any other powers which the postal operator may have in relation to the packet, whether under the terms and conditions applicable to its transmission by post or otherwise: s 107(2). For the meaning of 'postal operator' see PARA 10B NOTE 5.

NOTE 1--For the meaning of 'postal packet' see now PARA 24 NOTE 3.

TEXT AND NOTE 2--Reference to postal schemes omitted: Postal Services Act 2000 s 107(1).

TEXT AND NOTE 4--For 'the Post Office' read 'a postal operator': ibid s 107(1). For the meaning of 'postal operator' see PARA 10B NOTE 5.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(3) THE LEGAL BASIS ON WHICH SERVICES ARE PROVIDED/(ii) Statutory Provisions relating to the Postal Services generally/90. Inviolability of mail.

90. Inviolability of mail.

A packet in the post, anything contained in a packet in the post and a mail bag¹ containing a packet in the post has the same immunity from examination under a power conferred by or under any enactment², from seizure or detention under such a power, from seizure under distress or in execution and from retention by virtue of a lien, as it would have if it were the property of the Crown³. This immunity does not apply in relation to a power conferred by an enactment relating to customs in its application to goods contained in postal packets⁴, or to certain other statutory powers⁵ relating to postal packets⁶.

The Post Office and a person⁷ engaged in its business are entitled to the same immunity which they would have if the Post Office were a government department from prosecution for possession of anything contained in a packet in the post whose possession is prohibited by or under any enactment, and for failure to comply, as respects anything so contained, with any condition or restriction imposed by or under any enactment with respect to its possession, carriage or delivery⁸.

1 'Mail bag' includes any container in which articles are enclosed by the Post Office or a foreign administration for the purpose of its conveyance by post, and 'foreign administration' means a postal administration other than the Post Office: Post Office Act 1969 s 86(1).

2 Ie whether passed before or after the Post Office Act 1969: s 64(1).

3 Ibid s 64(1). As to the immunities and privileges of the Crown see CROWN AND ROYAL FAMILY vol 12(1) (Reissue) PARA 47 et seq. As to the exemption of mail bags from regulation and control by harbour authorities see PARAS 162-163 post.

4 Ie in the application of such an enactment by virtue of the Post Office Act 1953 s 16 (as amended), and regulations made under it (see PARA 164 et seq post): Post Office Act 1969 s 64(3). For the meaning of 'postal packet' see PARA 88 note 2 ante.

5 Ie the powers conferred by the Post Office Act 1953 s 17 (as amended) (detention of postal packets containing contraband: see PARA 169 post) and s 26(6) (as amended) (search and seizure of postal packets by officers of customs and excise: see PARA 155 post).

6 Post Office Act 1969 s 64(3).

7 For the meaning of 'person' see PARA 78 note 2 ante.

8 Post Office Act 1969 s 64(2).

UPDATE

90 Inviolability of mail

NOTE 3--1969 Act s 64(1) now Postal Services Act 2000 s 104(1), (2).

NOTES 4-6--1969 Act s 64(3) now 2000 Act s 104(3).

NOTE 4--1969 Act s 16 now 2000 Act s 105.

NOTE 5--See now ibid ss 47 (see PARA 10E), 49 (see PARA 82), 106 (see PARA 169), 107 (see PARA 89).

TEXT AND NOTE 8--For 'the Post Office' read 'a universal service provider'; ibid s 96(1), (2). As to the provision of a universal postal service see PARA 24.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(3) THE LEGAL BASIS ON WHICH SERVICES ARE PROVIDED/(ii) Statutory Provisions relating to the Postal Services generally/91. Court orders for redirection on bankruptcy or on application of the Law Society.

91. Court orders for redirection on bankruptcy or on application of the Law Society.

Where a bankruptcy order has been made the court may from time to time, on the application of the official receiver or the trustee of the bankrupt's estate, order the Post Office to re-direct and send or deliver to the official receiver or trustee or otherwise any postal packet¹ which would otherwise be sent or delivered by them to the bankrupt at such place or places as may be specified in the order². Any such order has effect for such period, not exceeding three months, as may be specified in the order³.

Where the Law Society has intervened in the practice of a solicitor pursuant to its statutory powers⁴, then, on the application of the Law Society, the High Court may from time to time order that, for such time not exceeding 18 months as it thinks fit, postal packets⁵ addressed to

the solicitor or his firm at any place or places mentioned in the order are to be directed to the Law Society or to any person appointed by the Law Society at any other address so mentioned⁶.

Where the Council for Licensed Conveyancers has intervened in the practice of a licensed conveyancer pursuant to its statutory powers⁷, then, on the application of the Council, the High Court may from time to time order that, for such time not exceeding 18 months as it thinks fit, postal packets⁸ addressed to the licensed conveyancer or his firm at any place or places mentioned in the order are to be directed to the Council or to any person appointed by the Law Society at any other address so mentioned⁹.

1 For the meaning of 'postal packet' see PARA 78 note 2 ante; definition applied by the Insolvency Act 1986 s 371(1).

2 Ibid s 371(1). See BANKRUPTCY AND INDIVIDUAL INSOLVENCY vol 3(2) (2002 Reissue) PARAS 264, 468.

3 Ibid s 371(2).

4 Ie under the Solicitors Act 1974 s 35, Sch 1: see LEGAL PROFESSIONS vol 66 (2009) PARA 890 et seq.

5 For the meaning of 'postal packet' see PARA 78 note 2 ante; definition applied by ibid Sch 1 para 10(1).

6 Ibid Sch 1 para 10(1). The Law Society must pay to the Post Office the same charges as would have been payable for the redirection of the postal packets under a scheme made under the Post Office Act 1969 s 28 (as amended) (see PARA 83 ante), as if the addressee had applied for the redirection on permanently ceasing to occupy the premises to which the packets were addressed: Solicitors Act 1974 Sch 1 para 10(2).

7 Ie under the Administration of Justice Act 1985 s 31, Sch 5: see LEGAL PROFESSIONS vol 66 (2009) PARA 1384 et seq.

8 For the meaning of 'postal packet' see PARA 78 note 2 ante; definition applied by ibid Sch 5 para 10(1).

9 Ibid Sch 5 para 10(1). The Council must pay to the Post Office the same charges as would have been payable for the redirection of the postal packets under a scheme made under the Post Office Act 1969 s 28 (as amended) (see PARA 83 ante), as if the addressee had applied for the redirection on permanently ceasing to occupy the premises to which the packets were addressed: Administration of Justice Act 1985 Sch 5 para 10(2).

UPDATE

91 Court orders for redirection on bankruptcy or on application of the Law Society

TEXT AND NOTE 1--For 'Post Office' read 'a postal operator': 1986 Act s 137(1) (amended by the Postal Services Act 2000 Sch 8 para 20(a)). For the meaning of 'postal operator' see PARA 10B NOTE 5.

NOTE 1--For the meaning of 'postal packet' see now para 24 NOTE 3.

TEXT AND NOTE 2--For 'them' read 'the postal operator concerned (see TEXT AND NOTE 1)': 1986 Act s 137(1) (amended by the Postal Services Act 2000 Sch 8 para 20(c)).

NOTE 9--For 'the Post Office' read 'the postal operator concerned (see TEXT AND NOTE 1)': 1985 Act Sch 5 para 10(2) (amended by the Postal Services Act 2000 (Consequential Modifications No 1) Order 2001, SI 2001/1149).

92. Statutory provisions as to communication by post.

A number of enactments require or authorise documents to be served by post¹. Some provide for service by either registered post or the recorded delivery service². Any enactment³ passed before or in the same session as the Recorded Delivery Service Act 1962 which requires or authorises a document or other thing to be sent⁴ by registered post⁵ but does not, either as originally enacted or as subsequently amended, require or authorise it to be sent by the recorded delivery service as an alternative⁶, has effect as if it required or, as the case may be, authorised that thing to be sent by registered post or by means of the recorded delivery service⁷.

1 See eg the Taxes Management Act 1970 s 115(2) (see INCOME TAXATION vol 23(2) (Reissue) PARA 1831); the Wireless Telegraphy Act 1967 s 4(2) (as amended); the Consumer Credit Act 1974 s 176(2) (see CONSUMER CREDIT vol 9(1) (Reissue) PARA 314); the Companies Act 1985 s 725(1) (repealed); and the Road Traffic Act 1988 ss 139, 164(10) (see ROAD TRAFFIC vol 40(1) (2007 Reissue) PARAS 440, 647). Where an Act passed after 1889 authorises or requires any document to be served by post (whether the expression 'serve', 'give' or 'send' or any other expression is used), then, unless the contrary intention appears, the service is deemed to be effected by properly addressing, prepaying and posting a letter containing the document and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post: Interpretation Act 1978 ss 7, 22(1), Sch 2 para 3; and see STATUTES vol 44(1) (Reissue) PARA 1388. As to the service of originating process by ordinary first class post see CPR 6.2(1)(b) (as to the CPR generally see the introduction to the Civil Court Practice 1999).

2 See eg the Wireless Telegraphy Act 1967 s 4(1) (as amended); the Town and Country Planning Act 1990 s 329(1)(c), (d) (see TOWN AND COUNTRY PLANNING vol 46(1) (Reissue) PARA 54); and the Road Traffic Offenders Act 1988 s 1(1A) (as added) (see ROAD TRAFFIC vol 40(2) (2007 Reissue) PARA 1028). Before the passing of the Recorded Delivery Service Act 1962 and the introduction of the recorded delivery service, the legislative practice was to provide for service by post, or in some cases (see note 6 infra) by registered post. Service by the recorded delivery service is not service by registered post: *Airarie Magistrates v Carr* 1961 SLT 39, Sh Ct. As to registered post see PARA 116 post; and as to the recorded delivery service see PARA 119 post.

3 ie the provisions of any Act, whether public general, local or private, and of any Church Assembly Measure: Recorded Delivery Service Act 1962 s 2(1). 'Local Act' includes any Act confirming a provisional order or scheme: s 2(3). The Recorded Delivery Service Act 1962 applies to any such provision as applied by or under any other enactment passed, and any instrument made under any enactment passed, before or in the same session as the Recorded Delivery Service Act 1962, but in the case of an instrument made after the passing of that Act (ie 3 July 1962) subject to any contrary intention appearing in it: s 2(1).

4 'Sending' a document or other thing includes serving, executing, giving or delivering it, or doing any similar thing: *ibid* s 2(3).

5 References, in whatever terms and with or without mention of the post or prepayment, to sending any thing by registered post include references to sending it by or in a registered letter or packet: *ibid* s 2(3).

6 *Ibid* s 2(2)(b). For examples of such enactments see the Law of Property Act 1925 s 196(4) (see REAL PROPERTY vol 39(2) (Reissue) PARA 204); the Landlord and Tenant Act 1927 ss 18(2), 23(1); the Landlord and Tenant Act 1954 s 66(4) (applying the Landlord and Tenant Act 1927 s 23) (see LANDLORD AND TENANT vol 27(1) (2006 Reissue) PARA 703; vol 27(2) (2006 Reissue) PARA 703); and the Wireless Telegraphy Act 1949 s 19(9).

7 Recorded Delivery Service Act 1962 ss 1(1), 2(1), (2). Any enactment so passed which makes any other provision in relation to the sending of a document or other thing by registered post or to a thing so sent (but not in relation to a thing sent by the recorded delivery service: s 2(2)(b)) has effect as if it made the same provision in relation to the sending of that thing by the recorded delivery service or to a thing so sent: s 1(1). The Secretary of State (as to whom see PARA 1 note 6 ante) may, by order make consequential amendments to any local or private Act to which the Recorded Delivery Service Act 1962 applies: s 1(3) (amended by the Post Office Act 1969 s 5; and by virtue of the Ministry of Posts and Telecommunications (Dissolution) Order 1974, SI 1974/691). The power of the Secretary of State to make such orders is exercisable by statutory instrument which is subject to annulment in pursuance of a resolution of either House of Parliament: Recorded Delivery Service Act 1962 s 1(5). Before making such an order he must, unless it appears to him impracticable to do so, consult with the promoter of the bill for the Act, or with the person appearing to him to have succeeded to the promoter's interest: s 1(4) (amended by the Post Office Act 1969 s 5; and by virtue of the Ministry of Posts and Telecommunications (Dissolution) Order 1974, SI 1974/691). Such an order may be varied or revoked by a

subsequent order: Recorded Delivery Service Act 1962 s 1(5). At the date at which this volume states the law no such order had been made.

These provisions do not authorise the sending by the recorded delivery service of anything which, under the Post Office Act 1953 or any scheme under the Post Office Act 1969 s 28 (as amended), is not allowed to be sent by that service: Recorded Delivery Service Act 1962 s 1(6). As to schemes under the Post Office Act 1969 s 28 (as amended) see PARA 83 ante.

UPDATE

92 Statutory provisions as to communication by post

NOTES 1, 2--Wireless Telegraphy Act 1967 s 4 repealed: Communications Act 2003 s 406(7), Sch 19(1).

NOTE 1--CPR 6.2(1)(b) amended: SI 2005/3515.

NOTE 6--Wireless Telegraphy Act 1949 s 19(9) repealed: Communications Act 2003 s 406(7), Sch 19(1).

NOTE 7--For 'under the Post Office Act 1953 ... s 28 (as amended)' read 'by virtue of the Postal Services Act 2000 or the terms and conditions of the service concerned': 1962 Act s 1(6) (amended by SI 2001/1149).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(3) THE LEGAL BASIS ON WHICH SERVICES ARE PROVIDED/(ii) Statutory Provisions relating to the Postal Services generally/93. Registration and regulation of accommodation addresses.

93. Registration and regulation of accommodation addresses.

Every person who carries on, whether alone or in conjunction with any other business, the business of receiving for reward letters, telegrams or other postal packets for delivery or forwarding to the persons for whom they are intended must send notice of the fact and of the address or addresses at which the business is carried on to the chief officer of police for the district for registration by him¹. He must also cause to be entered in a book kept for the purpose and open to inspection at all reasonable times by any police constable² the following particulars:

- (1) the name and address of every person from whom any postal packet is received or who has requested that postal packets received may be delivered or forwarded to him³;
- (2) any instructions received as to the delivery or forwarding of postal packets⁴;
- (3) specific information concerning every postal packet received⁵; and
- (4) the date of delivery or forwarding of every such postal packet and the name and address to which it is delivered⁶ or forwarded⁷.

There are restrictions and requirements to be complied with in respect of the delivery of a letter or the forwarding of any postal packet⁸.

These provisions do not apply to the Post Office⁹; nor do they render lawful anything which would contravene the exclusive privilege of the Post Office with respect to the conveying of letters and the performing of services incidental to their conveyance¹⁰.

1 Official Secrets Act 1920 s 5(1) (amended by the Miscellaneous Fees (Variation) Order 1970, SI 1970/1954). He must from time to time notify the chief officer of police of any changes of address or any new address and any other information necessary to correct the register: s 5(1) (as amended). Contravention of s 5(1) (as amended) is an offence: see note 8 infra.

2 Ibid s 5(3).

3 Ibid s 5(2)(a).

4 Ibid s 5(2)(b).

5 Ibid s 5(2)(c). The information relates to the place from which the packet comes, the date on the postmark, the date of receipt, the sender's name and address (if shown on the packet), and, if it is a registered packet, the date and office of registration and the registration number: s 5(2)(c).

6 Ibid s 5(2)(d).

7 Ibid s 5(2)(e).

8 See ibid s 5(2). Contravention or failure to comply with any of the requirements of these provisions is an offence, as is the furnishing of false information or making a false entry; and each offence is punishable, on summary conviction, by imprisonment for a term not exceeding one month, or a fine not exceeding level 1 on the standard scale, or both: s 5(4) (amended by the Criminal Justice Act 1948 s 1(2); the Criminal Law Act 1977 s 31(6); and the Criminal Justice Act 1982 ss 37, 46). As to the standard scale see PARA 37 note 3 ante.

9 Post Office Act 1969 ss 76, 88, 139, Sch 4 para 21(2).

10 See the Official Secrets Act 1920 s 5(6) (amended by the Telecommunications Act 1984 s 109, Sch 4 para 14). As to the exclusive privilege see PARAS 678-682 ante.

UPDATE

93 Registration and regulation of accommodation addresses

TEXT AND NOTES 1-8--1920 Act s 5 repealed: Postal Services Act 2000 Sch 9.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(3) THE LEGAL BASIS ON WHICH SERVICES ARE PROVIDED/(ii) Statutory Provisions relating to the Postal Services generally/94. Evidence of amount of postage and other charges.

94. Evidence of amount of postage and other charges.

The official mark of the Post Office, or of any other postal administration, on any postal packet¹ of any sum as due (whether to the Post Office or otherwise) in respect of that packet is sufficient proof of the liability of that packet to that sum, unless the contrary is shown². In any proceedings for the recovery of postage or other sums due in respect of a postal packet, the production of the packet bearing a stamp or other indorsement of the Post Office or any other postal administration indicating that the packet has been refused or rejected, or is unclaimed, or cannot for any other reason be delivered, is sufficient proof of the fact indicated, unless the contrary is shown³. The person from whom the postal packet purports to have come is deemed to be the sender of the packet, until the contrary is proved⁴. A certificate of the Post Office that any mark, stamp or indorsement is such a mark, stamp or indorsement as is mentioned above is sufficient proof of that fact, unless the contrary is shown⁵.

In proceedings by or against the Post Office in respect of which the rate of a charge was levied at any time, in respect of a service, by an authority outside the British Islands⁶ is material, a

certificate of the Post Office, that the charge was levied at that rate, at that time, in respect of that service, by that authority is evidence of the fact certified⁷.

- 1 For the meaning of 'postal packet' see PARA 88 note 2 ante.
- 2 Post Office Act 1953 s 19(1) (amended by the Post Office Act 1969 ss 76, 88, 139, Sch 4 para 2(7), Sch 11 Pt II).
- 3 Post Office Act 1953 s 19(2) (amended by the Post Office Act 1969 Sch 4 para 2(7)).
- 4 Post Office Act 1953 s 19(4).
- 5 Ibid s 19(3) (amended by the Post Office Act 1969 Sch 4 para 2(7)).
- 6 For the meaning of 'British Islands' see PARA 18 note 1 ante.
- 7 Post Office Act 1953 s 69(3) (amended by the British Telecommunications Act 1981 ss 87, 89, Sch 3 para 51(5), Sch 6 Pt II).

UPDATE

94 Evidence of amount of postage and other charges

TEXT AND NOTES 1-5--1953 Act s 19 replaced by the Postal Services Act 2000 s 108 which refers to a universal service provider (see PARA 24) instead of to the Post Office.

A certificate given by or on behalf of a universal service provider to the effect that any box or receptacle is or was provided by the provider concerned for the purpose of receiving postal packets, or any class of postal packets, for onwards transmission in connection with the provision of a universal postal service, is, unless the contrary is shown, sufficient proof in any legal proceedings of the facts stated: s 110.

NOTE 2--Now ibid s 108(1).

NOTE 3--Now ibid s 108(2), (3).

NOTE 4--Now ibid s 108(5).

NOTE 5--Now ibid s 108(4).

NOTE 7--Reference to Post Office Act 1953 s 69(3) should be to Post Office Act 1969 s 69(3), repealed: Postal Services Act 2000 Sch 9.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(4) THE INLAND POST/(i) General Conditions/95. Application of the inland post schemes.

(4) THE INLAND POST

(i) General Conditions

95. Application of the inland post schemes.

The schemes relating to the inland letter post¹ and the inland parcel post² determine the charges, terms and conditions applicable to:

- (1) the posting in the British postal area³ of postal packets⁴ addressed to places in that area, the Isle of Man or, in the case of the inland letter post, the Channel Islands⁵;
- (2) the treatment, conveyance and delivery of postal packets so addressed which have been posted in that area⁶; and
- (3) the treatment, conveyance and delivery of postal packets addressed to places in that area which have been posted in the Isle of Man, or, in the case of the inland letter post, the Channel Islands, and transmitted to that area⁷.

1 Ie the Post Office Inland Letter Post Scheme 1989 (London Gazette, 29 September 1989) (amended by the Post Office Inland Letter Post Amendment (No 1) Scheme 1990 (London Gazette, 7 September 1990); the Post Office Inland Letter Post Amendment (No 2) Scheme 1991 (London Gazette, 13 September 1991); the Post Office Inland Letter Post Amendment (No 3) Scheme 1992 (London Gazette, 3 January 1992); the Post Office Inland Letter Post Amendment (No 5) Scheme 1993 (London Gazette, 18 June 1993); the Post Office Inland Letter Post Amendment (No 6) Scheme 1993 (London Gazette, 29 October 1993); the Post Office Inland Letter Post Amendment (No 7) Scheme 1994 (London Gazette, 6 May 1994); the Post Office Inland Letter Post Amendment (No 8) Scheme 1996 (London Gazette, 5 July 1996); the Post Office Inland Letter Post Amendment (No 9) Scheme 1997 (London Gazette, 24 January 1997; the Post Office Inland Letter Post Amendment (No 10) Scheme 1997 (London Gazette, 14 November 1997); the Post Office Inland Letter Post Amendment (No 11) Scheme 1998 (London Gazette, 12 October 1998); the Post Office Inland Letter Post Amendment (No 12) Scheme 1999 (London Gazette, 23 April 1999)).

2 Ie the Post Office Inland Parcel Post Scheme 1989 (London Gazette, 29 September 1989) (amended by the Post Office Inland Parcel Post Amendment (No 4) Scheme 1993 (London Gazette, 22 January 1993); the Post Office Inland Parcel Post Amendment (No 5) Scheme 1993 (London Gazette, 23 April 1993); the Post Office Inland Parcel Post Amendment (No 8) Scheme 1996 (London Gazette, 15 April 1996); the Post Office Inland Parcel Post Amendment (No 9) Scheme 1997 (London Gazette, 7 April 1997); the Post Office Inland Parcel Post Amendment (No 10) Scheme 1998 (London Gazette, 3 April 1998); the Post Office Inland Parcel Post Amendment (No 11) Scheme 1999 (London Gazette, 26 April 1999).

3 'British postal area' means the United Kingdom: Post Office Inland Letter Post Scheme 1989 para 3(1); Post Office Inland Parcel Post Scheme 1989 para 3(1). For the meaning of 'United Kingdom' see PARA 18 note 1 ante.

4 In relation to the Post Office Inland Letter Post Scheme 1989, 'postal packet' means and includes every packet or article transmissible by post, except a parcel: para 3(1). In relation to the Post Office Inland Parcel Post Scheme 1989, 'postal packet' means and includes every packet or article transmissible by post as a parcel: para 3(1). 'Parcel' means a postal packet which is posted as a parcel in accordance with the provisions of the Post Office Inland Parcel Post Scheme 1989: para 3(1). Certain general conditions apply to the posting and delivery of parcels: see PARA 17.

5 Post Office Inland Letter Post Scheme 1989 para 4(a); Post Office Inland Parcel Post Scheme 1989 para 4(a) (amended by the Post Office Inland Parcel Post Amendment (No 11) Scheme 1999). The schemes do not apply in relation to any postal packet addressed to a ship of the Royal Navy, whether so addressed to the ship at a port in the British postal area, or 'c/o BFPO Ships', if the packet has to be sent to a place outside that area in order that it may be delivered to that ship: Post Office Inland Letter Post Scheme 1989 para 4 proviso (1); Post Office Inland Parcel Post Scheme 1989 para 4 proviso (1). Such a packet is transmissible under the Post Office Overseas Letter Post Scheme 1982 if it is a postal packet as defined by para 3(1) (see PARA 121 note 3 post), or under the Post Office Overseas Parcel Post Scheme 1982 if it is a parcel as defined by para 3(1) (see PARA 121 note 4 post). As to those schemes and their application see PARA 121 post.

In the case of packets transmitted, or for transmission, between the British Postal Area and the Channel Islands or the Isle of Man, the schemes apply in relation only to the posting, registration as a Special Delivery packet, treatment, conveyance and delivery of such packets under the authority of the Post Office, and to services and facilities provided under such authority, and so apply subject to and in accordance with the exceptions, modifications and further provisions contained in the schemes: Post Office Inland Letter Post Scheme 1989 para 4 proviso (2), PARAS 46-58 (as amended); Post Office Inland Parcel Post Scheme 1989 para 4 proviso (2), PARAS 32-36, 40.

6 Post Office Inland Letter Post Scheme 1989 para 4(b); Post Office Inland Parcel Post Scheme 1989 para 4(b). See also note 5 supra.

7 Post Office Inland Letter Post Scheme 1989 para 4(c); Post Office Inland Parcel Post Scheme 1989 para 4(c) (amended by the Post Office Inland Parcel Post Amendment (No 11) Scheme 1999). See also note 5 supra.

UPDATE

95-120 The Inland Post

The Post Office Inland Letter Post Scheme 1989 replaced by the Post Office Inland Letter Post Scheme 2000 (London Gazette, 20 April 2000). 2000 Scheme renamed the Successor Postal Services Company Inland Letter Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Inland Letter Post Scheme 2001 has been amended by the Consignia plc Inland Letter Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Inland Letter Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Inland Letter Post (Amendment No 3) Scheme 2001 (London Gazette, 23 November 2001); the Consignia plc Inland Letter Post (Amendment No 4) Scheme 2002 (London Gazette, 28 June 2002); the Royal Mail Group plc Inland Letter Post (Amendment No 5) Scheme 2003 (London Gazette, 17 January 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 6) Scheme 2003 (London Gazette, 2 May 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 7) Scheme 2003 (London Gazette, 21 November 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 8) Scheme 2003 (London Gazette, 24 December 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 9) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 10) Scheme 2004 (London Gazette, 16 April 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 11) Scheme 2004 (London Gazette, 24 September 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 12) Scheme 2004 (London Gazette, 8 October 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 13) Scheme 2004 (London Gazette, 22 October 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 14) Scheme 2004 (London Gazette, 17 December 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 15) Scheme 2005 (London Gazette, 18 February 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 16) Scheme 2005 (London Gazette, 1 April 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 17) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 18) Scheme 2005 (London Gazette, 21 July 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 19) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 20) Scheme 2006 (London Gazette, 21 April 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 21) Scheme 2006 (London Gazette, 9 June 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 22) Scheme 2006 (London Gazette, 28 July 2006); the Royal Mail Group plc Inland Letter Post Scheme (Amendment No 23) 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Inland Letter Post Scheme (Amendment No 24) 2008 (London Gazette, 14 March 2008); the Royal Mail Group Ltd Inland Letter Post Scheme (Amendment No 25) 2008 (London Gazette, 29 July 2008) (consolidated version); the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 26) 2009 (London Gazette, 27 March 2009); the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 27) 2009 (London Gazette, 16 October 2009); and the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 28) 2010 (London Gazette, 29 January 2010).

The Successor Postal Services Company Inland Letter Post Scheme 2001 sets out the conditions of the Royal Mail Group plc (ie the successor postal services company: see PARA 3) for (1) accepting a letter posted in the United Kingdom for delivery to an address in the United Kingdom, the Channel Islands or the Isle of Man; (2) accepting a letter sent from the Channel Islands or the Isle of Man for delivery to an address in the United Kingdom; and (3) providing other services in connection with Inland letter post

and letter post sent between the United Kingdom and the Channel Islands or the Isle of Man: para 1.1.

The Post Office Inland Parcel Post Scheme 1989 is replaced by the Post Office Inland Parcel Post Scheme 2000 (London Gazette, 20 April 2000), which has been renamed the Successor Postal Services Company Inland Parcel Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Inland Parcel Post Scheme 2001 has been amended by the Consignia plc Inland Parcel Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Inland Parcel Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Inland Parcel Post (Amendment No 3) Scheme 2002 (London Gazette, 22 March 2002); the Consignia plc Inland Parcel Post (Amendment No 4) Scheme 2002 (London Gazette, 28 June 2002); the Royal Mail Group plc Inland Parcel Post (Amendment No 5) Scheme 2003 (London Gazette, 16 May 2003); the Royal Mail Group plc Inland Parcel Post (Amendment No 6) Scheme 2003 (London Gazette, 5 December 2003); the Royal Mail Group plc Inland Parcel Post (Amendment No 7) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Inland Parcel Post (Amendment No 8) Scheme 2004 (London Gazette, 28 May 2004); the Royal Mail Group plc Inland Parcel Post (Amendment No 9) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Inland Parcel Post (Amendment No 10) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Inland Parcel Post (Amendment No 11) Scheme 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 12) Scheme 2008 (London Gazette, 31 March 2008); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 13) Scheme 2008 (London Gazette, 2 June 2008); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 14) Scheme 2008 (London Gazette, 25 July 2008) (consolidated version); and the Royal Mail Group Ltd Inland Parcel Post (Amendment No 15) Scheme 2010 (London Gazette, 29 January 2010).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(4) THE INLAND POST/(i) General Conditions/96. Statutory liability for inland packets.

96. Statutory liability for inland packets.

By the Post Office Act 1969¹, proceedings may be brought against the Post Office in respect of loss of or damage to a packet to which the statutory provision applies² in so far as the loss or damage is due to any wrongful act done or any neglect or default committed by an officer, servant or agent of the Post Office³ while performing or purporting to perform his functions as such in relation to the receipt, carriage, delivery or other dealing with the packet⁴. The proceedings must be brought within the period of 12 months beginning with the day on which the packet was posted⁵. For the purposes of any such proceedings it is to be presumed, until the contrary is shown, that loss of or damage to the packet was due to a wrongful act done, or neglect or default committed by, an officer, servant or agent of the Post Office while performing or purporting to perform his functions as such in relation to the receipt, carriage, delivery or other dealing with the packet⁶.

In any such proceedings, the amount recoverable⁷ in relation to a packet of any description⁸ must not exceed: (1) the market value⁹ of the packet at the time when the cause of action arose¹⁰; or (2) the maximum amount payable under a scheme made by the Post Office¹¹ for compensating the persons aggrieved in respect of a packet of that description¹². The Post Office will not be liable with respect to a packet of any description unless any such conditions as are

required by such a scheme to be complied with in relation to packets of that description have been complied with in the case of that packet¹³.

No relief is available in relation to a packet except upon a claim by the sender¹⁴ or addressee¹⁵ of the packet, unless the court otherwise allows¹⁶; and the sender or addressee is entitled to claim any relief available under these provisions in respect of the packet, whether or not he is the person damaged by the injury complained of, and to give a good discharge in respect of all claims in respect of the packet¹⁷.

1 Ie by the Post Office Act 1969 s 30 (as amended). No proceedings lie in tort against the Post Office except under that provision: s 30(1) (amended by the British Telecommunications Act 1981 s 70). For the nature of the statutory cause of action see *Building and Civil Engineering Holidays Scheme Management Ltd v Post Office* [1966] 1 QB 247, [1965] 1 All ER 163, CA, decided under the corresponding provisions of the Crown Proceedings Act 1947 s 9(2) (repealed). As to liability in contract see PARA 86 ante.

2 The statutory provision, ie the Post Office Act 1969 s 30 (as amended), applies to any inland packet in respect of which, in pursuance of a scheme made under s 28, the Post Office accepts liability under s 30: s 30(7) (amended by the British Telecommunications Act 1981 s 70). 'Inland packet' means anything which is posted in the United Kingdom for delivery at a place in the United Kingdom to the person to whom it is addressed: Post Office Act 1969 s 30(7) (amended by the Postal Services (Channel Islands (Consequential Provisions) Order 1969, SI 1969/1368, art 5; and the Postal Services (Isle of Man Consequential Provisions) Order 1973, SI 1973/960, art 5)). For the meaning of 'United Kingdom' see PARA 18 note 1 ante.

Subject to the provisions of the Post Office Inland Letter Post Scheme 1989 (as amended) (see PARA 95 ante), the Post Office accepts liability for all inland postal packets except those posted within the provisions of the scheme which consist of articles for the blind, registered newspapers and unaddressed packets: para 33(1). For the meaning of 'postal packet' in the context of the inland letter post scheme see PARA 95 note 4 ante; for the meaning of 'articles for the blind' see PARA 111 post; and for the meaning of 'registered newspaper' see PARA 110 post. 'Unaddressed packet' means a postal packet, whether enclosed in a cover or not, which is not addressed to, or intended for delivery to, any specified addressee or address, and forms part of a consignment for general delivery within a particular area: Post Office Inland Letter Post Scheme 1989 para 3(1). 'Inland' in the context of the inland letter post scheme means posted in the British postal area and addressed to some place in the British postal area but does not include a postal packet addressed to a ship of the Royal Navy, notwithstanding that the name of a port in the British postal area or the words 'c/o BFPO ships' are included in the address, if the packet has to be sent abroad for delivery to the ship: Post Office Inland Letter Post Scheme 1989 para 3(1).

Subject to the provisions of the Post Office Inland Parcel Post Scheme 1989 (as amended) (see PARA 95 ante), the Post Office accepts liability for all inland parcels: para 24(1). For the meaning of 'parcel' see PARA 95 note 4 ante. 'Inland' in the context of the inland parcel post scheme has the same meaning as in the inland letter post scheme: see the Post Office Inland Parcel Post Scheme 1989 para 3(1).

3 As to officers of the Post Office see PARA 87 note 5 ante. 'Agent' includes an independent contractor: Post Office Act 1969 s 30(7).

4 Ibid s 30(1) (amended by the British Telecommunications Act 1981 s 70).

5 Post Office Act 1969 s 30(1).

6 Ibid s 30(2).

7 Subject to the limitations which follow, damages are recoverable, the measure of damages being *restitutio in integrum*, but damage which is too remote is not recoverable: see *Building and Civil Engineering Holidays Scheme Management Ltd v Post Office* [1966] 1 QB 247, [1965] 1 All ER 163, CA.

8 A scheme may define a description of a packet by reference to any circumstances whatever, including in particular the amount of any fee paid in respect of the packet in pursuance of the scheme: s 30(6A) (added by the British Telecommunications Act 1981 s 70).

9 The market value of a packet does not include the market value of any message or information which it bears or the market value of any item which, in relation to the packet, is excluded from the operation of the Post Office Act 1969 s 30 (as amended) by a scheme made under s 28 (as amended): s 30(3). See also *Building and Civil Engineering Holidays Scheme Management Ltd v Post Office* [1966] 1 QB 247, [1965] 1 All ER 163, CA (meaning of 'market value' considered in the context of the Crown Proceedings Act 1947 s 9, which dealt with liability of the Crown for loss of or damage to registered inland postal packets).

10 Post Office Act 1969 s 30(3)(a).

11 ie a scheme made under *ibid* s 28 (as amended): s 30(3)(b).

12 *Ibid* s 30(3)(b). The maximum amount which is payable for compensating persons aggrieved by loss or damage to a postal packet and its contents is £26: Post Office Inland Letter Post Scheme 1989 paras 33(2), 39(1) (amended by the Post Office Inland Letter Post Amendment (No 11) Scheme 1998), Post Office Inland Letter Post Scheme 1989 para 39(3) (as amended by the Post Office Inland Letter Post Amendment (No 8) Scheme 1996). As to the compensation payable in respect of Special Delivery packets see PARA 116 post.

In the case of damage to a parcel and its contents the maximum amount is £20: Post Office Inland Parcel Post Scheme 1989 paras 24(2), 26(1), (3).

13 Post Office Act 1969 s 30(4) (amended by the British Telecommunications Act 1981 s 70). As to the conditions required in relation to Special Delivery packets see the Post Office Inland Letter Post Scheme 1989 paras 33(3), 35 (amended by the Post Office Inland Letter Post Amendment (No 11) Scheme 1998), Post Office Inland Letter Post Scheme 1989 Sch 4 Pt II (as amended by the Post Office Inland Letter Post Amendment (No 5) Scheme 1993; the Post Office Inland Letter Post Amendment (No 8) Scheme 1996; the Post Office Inland Letter Post Amendment (No 9) Scheme 1997; and the Post Office Inland Letter Post Amendment (No 11) Scheme 1998).

As to the conditions required in relation to other postal packets see the Post Office Inland Letter Post Scheme 1989 paras 33(3), 39(1), (4), Sch 5 Pt I (amended by the Post Office Inland Letter Post Amendment (No 11) Scheme 1998); Post Office Inland Parcel Post Scheme 1989 paras 24(3), 26(1), (4), Sch 5 Pt I. The conditions referred to include conditions as to the strength of cover, manner of fastening, the packing of contents, the addressing of the packet and the manner of posting. Further, compensation will not be paid in respect of any packet unless the sender handed in the packet or parcel to an officer of the Post Office and obtained a certificate of posting: Post Office Inland Letter Post Scheme 1989 Sch 5 Pt I (as so amended); Post Office Inland Parcel Post Scheme 1989 Sch 5 Pt I.

'Officer of the Post Office' means a person engaged in the business of the Post Office: Post Office Inland Letter Post Scheme 1989 para 3(1); Post Office Inland Parcel Post Scheme 1989 para 3(1). The words 'officer of the Post Office' do not appear in the relevant provision of the scheme, but a certificate of posting cannot be obtained without the packet being handed to such an officer.

No compensation is payable in respect of a packet which has been destroyed or otherwise dealt with or disposed of by the Post Office pursuant to its power under the Post Office Act 1953 s 8(3) (see PARA 89 ante) or the provisions of a scheme: Post Office Inland Letter Post Scheme 1989 para 33(4); Post Office Inland Parcel Post Scheme 1989 para 24(4).

There are certain articles in respect of which no liability is accepted for loss or damage, and in respect of which no compensation may be paid: See the Post Office Inland Letter Post Scheme 1989 para 39(5), Sch 5 Pt II (amended by the Post Office Inland Letter Post Amendment (No 8) Scheme 1996); Post Office Inland Parcel Post Scheme 1989 para 26(5), Sch 5 Pt II (substituted by the Post Office Inland Parcel Post Amendment (No 10) Scheme 1998).

14 'Sender' includes the sender's personal representatives, and means a postal packet, whether enclosed in a cover or not, which is not addressed to, or intended for delivery to, any specified addressee or address, and forms part of a consignment for general delivery within a particular area: Post Office Act 1969 s 30(7) (as amended by the British Telecommunications Act 1981 s 70); Post Office Inland Letter Post Scheme 1989 para 3(1).

15 'Addressee' includes the addressee's personal representatives: *ibid* s 30(7).

16 *Ibid* s 30(5). Where the court is satisfied, upon an application by a person who is not the sender or addressee of the packet, that the sender and the addressee are unable or unwilling to enforce their remedies in respect of it, the court may, upon such terms as to security, caution, costs, expenses and otherwise as it thinks just, allow that person to bring proceedings in the name of the sender or the addressee: s 30(5).

17 *Ibid* s 30(5). Where under s 30(5) a person recovers any money or property which, apart from s 30(5), would have been recoverable by some other person, the money or property recovered must be held on trust for that other person: s 30(6).

UPDATE

95-120 The Inland Post

The Post Office Inland Letter Post Scheme 1989 replaced by the Post Office Inland Letter Post Scheme 2000 (London Gazette, 20 April 2000). 2000 Scheme renamed the

Successor Postal Services Company Inland Letter Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Inland Letter Post Scheme 2001 has been amended by the Consignia plc Inland Letter Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Inland Letter Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Inland Letter Post (Amendment No 3) Scheme 2001 (London Gazette, 23 November 2001); the Consignia plc Inland Letter Post (Amendment No 4) Scheme 2002 (London Gazette, 28 June 2002); the Royal Mail Group plc Inland Letter Post (Amendment No 5) Scheme 2003 (London Gazette, 17 January 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 6) Scheme 2003 (London Gazette, 2 May 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 7) Scheme 2003 (London Gazette, 21 November 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 8) Scheme 2003 (London Gazette, 24 December 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 9) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 10) Scheme 2004 (London Gazette, 16 April 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 11) Scheme 2004 (London Gazette, 24 September 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 12) Scheme 2004 (London Gazette, 8 October 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 13) Scheme 2004 (London Gazette, 22 October 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 14) Scheme 2004 (London Gazette, 17 December 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 15) Scheme 2005 (London Gazette, 18 February 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 16) Scheme 2005 (London Gazette, 1 April 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 17) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 18) Scheme 2005 (London Gazette, 21 July 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 19) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 20) Scheme 2006 (London Gazette, 21 April 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 21) Scheme 2006 (London Gazette, 9 June 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 22) Scheme 2006 (London Gazette, 28 July 2006); the Royal Mail Group plc Inland Letter Post Scheme (Amendment No 23) 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Inland Letter Post Scheme (Amendment No 24) 2008 (London Gazette, 14 March 2008); the Royal Mail Group Ltd Inland Letter Post Scheme (Amendment No 25) 2008 (London Gazette, 29 July 2008) (consolidated version); the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 26) 2009 (London Gazette, 27 March 2009); the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 27) 2009 (London Gazette, 16 October 2009); and the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 28) 2010 (London Gazette, 29 January 2010).

The Successor Postal Services Company Inland Letter Post Scheme 2001 sets out the conditions of the Royal Mail Group plc (ie the successor postal services company: see PARA 3) for (1) accepting a letter posted in the United Kingdom for delivery to an address in the United Kingdom, the Channel Islands or the Isle of Man; (2) accepting a letter sent from the Channel Islands or the Isle of Man for delivery to an address in the United Kingdom; and (3) providing other services in connection with Inland letter post and letter post sent between the United Kingdom and the Channel Islands or the Isle of Man: para 1.1.

The Post Office Inland Parcel Post Scheme 1989 is replaced by the Post Office Inland Parcel Post Scheme 2000 (London Gazette, 20 April 2000), which has been renamed the Successor Postal Services Company Inland Parcel Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Inland Parcel Post Scheme 2001 has been amended by the Consignia plc Inland Parcel Post (Amendment No 1) Scheme 2001

(London Gazette, 29 June 2001); the Consignia plc Inland Parcel Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Inland Parcel Post (Amendment No 3) Scheme 2002 (London Gazette, 22 March 2002); the Consignia plc Inland Parcel Post (Amendment No 4) Scheme 2002 (London Gazette, 28 June 2002); the Royal Mail Group plc Inland Parcel Post (Amendment No 5) Scheme 2003 (London Gazette, 16 May 2003); the Royal Mail Group plc Inland Parcel Post (Amendment No 6) Scheme 2003 (London Gazette, 5 December 2003); the Royal Mail Group plc Inland Parcel Post (Amendment No 7) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Inland Parcel Post (Amendment No 8) Scheme 2004 (London Gazette, 28 May 2004); the Royal Mail Group plc Inland Parcel Post (Amendment No 9) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Inland Parcel Post (Amendment No 10) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Inland Parcel Post (Amendment No 11) Scheme 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 12) Scheme 2008 (London Gazette, 31 March 2008); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 13) Scheme 2008 (London Gazette, 2 June 2008); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 14) Scheme 2008 (London Gazette, 25 July 2008) (consolidated version); and the Royal Mail Group Ltd Inland Parcel Post (Amendment No 15) Scheme 2010 (London Gazette, 29 January 2010).

96 Statutory liability for inland packets

TEXT AND NOTES--1969 Act s 30 now Postal Services Act 2000 ss 91, 92 which replace 'Post Office' with 'universal service provider' (see PARA 24) throughout. Post Office Inland Letter Post Scheme 1989 now Successor Postal Services Company Inland Letter Post Scheme 2001. Changes are noted below. An application under the 2000 Act s 92 for permission to bring proceedings in the name of the sender or addressee of a postal packet or his personal representative is made in accordance with CPR Pt 8 (see generally CIVIL PROCEDURE vol 11 (2009) PARA 127 et seq): CPR 19.7B(1) (added by SI 2005/2292).

NOTE 2--1969 Act s 30(7) now Postal Services Act 2000 s 91(1), (6). Schemes are now made under s 89: see PARAS 83, 84.

Post Office Inland Letter Post Scheme 1989 para 33(1) now Successor Postal Services Company Inland Letter Post Scheme 2001 para 50.1 (amended by the Royal Mail Group plc Inland Letter Post (Amendment No 11) Scheme 2004 (London Gazette, 24 September 2004)).

NOTES 4, 5--1969 Act s 30(1) now Postal Services Act 2000 s 91(2), (3).

NOTE 6--Now ibid s 92(7).

NOTE 8--1969 Act s 30(6A) now 2000 Act s 91(5).

NOTE 9--1969 Act s 30(3) now 2000 Act s 92(6).

NOTE 16--1969 Act s 30(5) now 2000 Act s 92(1), (3).

NOTE 17--1969 Act s 30(5), (6) now 2000 Act s 92(2), (4).

Post Office Inland Letter Post Scheme 1989 paras 33(2), 39(1) now Successor Postal Services Company Inland Letter Post Scheme 2001 para 51.2 (substituted by the Royal Mail Group plc Inland Parcel Post (Amendment No 22) Scheme 2006 (London Gazette, 28 July 2006)).

NOTE 13--1969 Act s 30(4) now Postal Services Act 2000 s 91(4).

Post Office Inland Letter Post Scheme 1989 paras 33, 35, 39, Sch 5 now Successor Postal Services Company Inland Letter Post Scheme 2001 paras 50-52 (amended by the Royal Mail Group plc Inland Letter Post (Amendment No 11) Scheme 2004 (London Gazette, 24 September 2004).

NOTE 14--Now 'sender', which includes a personal representative of the sender, means the person who sends or on whose behalf a letter is sent excluding a person at whose request any items or goods are included in a letter: Postal Services Act 2000 s 92(8), Successor Postal Services Company Inland Letter Post Scheme 2001 para 3.1, Sch 2.

NOTE 15--1969 Act s 30(7) now Postal Services Act 2000 s 92(8).

NOTE 16--1969 Act s 30(5) now 2000 Act s 92(1), (3).

NOTE 17--1969 Act s 30(5), (6) now 2000 Act s 92(2), (4).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(4) THE INLAND POST/(i) General Conditions/97. Postal packets which may not be sent by post.

97. Postal packets which may not be sent by post.

In the context of the inland letter scheme¹ there must not be conveyed or delivered by post, except where the Post Office may generally or in any particular case allow, any postal packet² which it is an offence to send by post³, or any of the following: butane lighters and refills, drugs, living creatures, safety matches, paints, varnishes, enamels and similar substances, pathological specimens, blood, blood products, serum, urine or semen, perishable goods, radioactive materials and vaccines⁴. Subject to the powers of the Post Office with respect to such packets⁵, there must not be posted or conveyed or delivered by post any postal packet which contains asbestos, or any corrosive, flammable or oxidising material, or any organic peroxide, or matches, or any radioactive material, or any gas compressed, liquefied or dissolved under pressure, or any flammable paint, varnish or enamel, or any poison, or dry ice or explosives⁶.

In the context of the inland parcel scheme⁷ there must not be conveyed or delivered by post, except where the Post Office may generally or in any particular case allow, any postal packet⁸ which it is an offence to send by post⁹. Subject to the powers of the Post Office with respect to such packets¹⁰, there must not be posted or conveyed or delivered by post any postal packet which contains, except as may be permitted by the Post Office either generally or in any particular case, any living creature, or blood, or any blood product, or serum, or urine, or semen, or any pathological specimen, or any vaccine, or asbestos, or any corrosive, flammable or oxidising material, or any organic peroxide, or matches, or any radioactive material, or any gas compressed, liquefied or dissolved under pressure, or any paint, varnish or enamel, or any poison, or dry ice¹¹.

In the context of both schemes, subject to the powers of the Post Office with respect to such packets, there must not be posted or conveyed or delivered by post any postal packet which:

- (1) contains any imitation of a bank note¹²;
- (2) contains or bears any fictitious stamp (other than a fictitious stamp made with, and in accordance with the conditions of, Post Office approval), or any counterfeit impression of a postal franking machine, or counterfeit of any other impression authorised to be used to denote payment of postage or fees¹³;

- (3) bears, except with due authority, any words, letters or marks which signify or imply, or may reasonably lead the recipient to believe, that the packet is sent on Her Majesty's service¹⁴;
- (4) is of such size, form, substance or colour, or so made up, as to be likely, in the opinion of the Post Office, to embarrass the officers of the Post Office¹⁵ in dealing with the packet¹⁶;
- (5) has anything written, printed or otherwise impressed upon or attached to it, or showing through its cover, which either (a) by tending to prevent easy and quick reading of the address, (b) by its proximity to the stamp or impression denoting payment of postage, or (c) in any other way, is likely, in itself, or in the manner in which it is so written, printed, impressed or attached, in the opinion of the Post Office to embarrass the officers of the Post Office in dealing with the packet¹⁷;
- (6) bears any stamp or impression purporting to denote payment of postage or fees which has been previously used to denote payment of postage or fees on another postal packet¹⁸;
- (7) has on it adhesive stamps denoting postage which have not been securely fixed in a manner as the Post Office may require¹⁹.

1 Ie the Post Office Inland Letter Post Scheme 1989: see PARA 95 ante. As to schemes generally see PARA 83 ante.

2 For the meaning of 'postal packet' for the purposes of the inland letter scheme see PARA 95 note 4 ante.

3 Ie an offence under the Post Office Act 1953 s 11(1) (as amended): see PARA 88 ante.

4 Post Office Inland Letter Post Scheme 1989 para 7(1) (amended by the Post Office Inland Letter Post Amendment (No 8) Scheme 1996).

5 Ie powers under the Post Office Act 1953 s 8(3) (as amended): see PARA 89 ante.

6 Post Office Inland Letter Post Scheme 1989 para 7(2)(a)(i) (amended by the Post Office Inland Letter Post Amendment (No 8) Scheme 1996).

7 Ie the Post Office Inland Parcel Post Scheme 1989. As to the scheme in particular see PARA 95 ante.

8 For the meaning of 'postal packet' for the purposes of the inland parcel scheme see PARA 95 note 4 ante.

9 Post Office Inland Parcel Post Scheme 1989 para 7(1) (amended by the Post Office Inland Letter Post Amendment (No 8) Scheme 1996); and see note 3 supra.

10 See note 5 supra.

11 Post Office Inland Parcel Post Scheme 1989 para 7(2)(a)(i) (amended by the Post Office Inland Letter Post Amendment (No 8) Scheme 1996).

12 Post Office Inland Letter Post Scheme 1989 para 7(2)(a)(ii); Post Office Inland Parcel Post Scheme 1989 para 7(2)(a)(ii). The schemes refer to a bank note within the meaning of the Criminal Justice Act 1925 s 38 (repealed).

13 Post Office Inland Letter Post Scheme 1989 para 7(2)(b); Post Office Inland Parcel Post Scheme 1989 para 7(2)(b). As to fictitious stamps see PARA 177 post.

14 Post Office Inland Letter Post Scheme 1989 para 7(2)(c); Post Office Inland Parcel Post Scheme 1989 para 7(2)(c).

15 For the meaning of 'officer of the Post Office' see PARA 96 note 13 ante.

16 Post Office Inland Letter Post Scheme 1989 para 7(2)(d); Post Office Inland Parcel Post Scheme 1989 para 7(2)(d).

17 Post Office Inland Letter Post Scheme 1989 para 7(2)(e); Post Office Inland Parcel Post Scheme 1989 para 7(2)(e).

18 Post Office Inland Letter Post Scheme 1989 para 7(2)(f); Post Office Inland Parcel Post Scheme 1989 para 7(2)(f).

19 Post Office Inland Letter Post Scheme 1989 para 7(2)(g); Post Office Inland Parcel Post Scheme 1989 para 7(2)(g).

UPDATE

95-120 The Inland Post

The Post Office Inland Letter Post Scheme 1989 replaced by the Post Office Inland Letter Post Scheme 2000 (London Gazette, 20 April 2000). 2000 Scheme renamed the Successor Postal Services Company Inland Letter Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Inland Letter Post Scheme 2001 has been amended by the Consignia plc Inland Letter Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Inland Letter Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Inland Letter Post (Amendment No 3) Scheme 2001 (London Gazette, 23 November 2001); the Consignia plc Inland Letter Post (Amendment No 4) Scheme 2002 (London Gazette, 28 June 2002); the Royal Mail Group plc Inland Letter Post (Amendment No 5) Scheme 2003 (London Gazette, 17 January 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 6) Scheme 2003 (London Gazette, 2 May 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 7) Scheme 2003 (London Gazette, 21 November 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 8) Scheme 2003 (London Gazette, 24 December 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 9) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 10) Scheme 2004 (London Gazette, 16 April 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 11) Scheme 2004 (London Gazette, 24 September 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 12) Scheme 2004 (London Gazette, 8 October 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 13) Scheme 2004 (London Gazette, 22 October 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 14) Scheme 2004 (London Gazette, 17 December 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 15) Scheme 2005 (London Gazette, 18 February 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 16) Scheme 2005 (London Gazette, 1 April 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 17) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 18) Scheme 2005 (London Gazette, 21 July 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 19) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 20) Scheme 2006 (London Gazette, 21 April 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 21) Scheme 2006 (London Gazette, 9 June 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 22) Scheme 2006 (London Gazette, 28 July 2006); the Royal Mail Group plc Inland Letter Post Scheme (Amendment No 23) 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Inland Letter Post Scheme (Amendment No 24) 2008 (London Gazette, 14 March 2008); the Royal Mail Group Ltd Inland Letter Post Scheme (Amendment No 25) 2008 (London Gazette, 29 July 2008) (consolidated version); the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 26) 2009 (London Gazette, 27 March 2009); the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 27) 2009 (London Gazette, 16 October 2009); and the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 28) 2010 (London Gazette, 29 January 2010).

The Successor Postal Services Company Inland Letter Post Scheme 2001 sets out the conditions of the Royal Mail Group plc (ie the successor postal services company: see

PARA 3) for (1) accepting a letter posted in the United Kingdom for delivery to an address in the United Kingdom, the Channel Islands or the Isle of Man; (2) accepting a letter sent from the Channel Islands or the Isle of Man for delivery to an address in the United Kingdom; and (3) providing other services in connection with Inland letter post and letter post sent between the United Kingdom and the Channel Islands or the Isle of Man: para 1.1.

The Post Office Inland Parcel Post Scheme 1989 is replaced by the Post Office Inland Parcel Post Scheme 2000 (London Gazette, 20 April 2000), which has been renamed the Successor Postal Services Company Inland Parcel Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Inland Parcel Post Scheme 2001 has been amended by the Consignia plc Inland Parcel Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Inland Parcel Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Inland Parcel Post (Amendment No 3) Scheme 2002 (London Gazette, 22 March 2002); the Consignia plc Inland Parcel Post (Amendment No 4) Scheme 2002 (London Gazette, 28 June 2002); the Royal Mail Group plc Inland Parcel Post (Amendment No 5) Scheme 2003 (London Gazette, 16 May 2003); the Royal Mail Group plc Inland Parcel Post (Amendment No 6) Scheme 2003 (London Gazette, 5 December 2003); the Royal Mail Group plc Inland Parcel Post (Amendment No 7) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Inland Parcel Post (Amendment No 8) Scheme 2004 (London Gazette, 28 May 2004); the Royal Mail Group plc Inland Parcel Post (Amendment No 9) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Inland Parcel Post (Amendment No 10) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Inland Parcel Post (Amendment No 11) Scheme 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 12) Scheme 2008 (London Gazette, 31 March 2008); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 13) Scheme 2008 (London Gazette, 2 June 2008); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 14) Scheme 2008 (London Gazette, 25 July 2008) (consolidated version); and the Royal Mail Group Ltd Inland Parcel Post (Amendment No 15) Scheme 2010 (London Gazette, 29 January 2010).

97 Postal packets which may not be sent by post

NOTES 1-6--Post Office Inland Letter Post Scheme 1989 para 7(1), (2)(a)(i) now Successor Postal Services Company Inland Letter Post Scheme 2001 para 15 (amended by the Consignia plc Inland Letter Post (Amendment No 3) Scheme 2001 (London Gazette, 23 November 2001); the Royal Mail Group plc Inland Letter Post (Amendment No 5) Scheme 2003 (London Gazette, 17 January 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 16) Scheme 2005 (London Gazette, 1 April 2005); and the Royal Mail Group plc Inland Letter Post (Amendment No 18) Scheme 2005 (London Gazette, 21 July 2005)).

NOTES 12-19--Post Office Inland Letter Post Scheme 1989 para 7(2)(a)(ii)-7(2)(g) now Successor Postal Services Company Inland Letter Post Scheme 2001 para 9.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(4) THE INLAND POST/(i) General Conditions/98. Limits of size and weight.

98. Limits of size and weight.

Except as the Post Office may generally or in any particular case allow, no packet is transmissible by post as a postal packet¹ of a particular description to which a rate of postage applies if its size or its weight exceeds the limit of size or the limit of weight, if any, applicable to packets of that description².

1 For the meaning of 'postal packet' see PARA 95 note 4 ante.

2 Post Office Inland Letter Post Scheme 1989 para 10, Sch 1 (substituted by the Post Office Inland Letter Post Amendment (No 12) Scheme 1999); Post Office Inland Parcel Post Scheme 1989 para 10, Sch 1. As to the schemes in particular see PARA 95 ante; and as to schemes generally see PARA 83 ante. As to the treatment of a packet that appears to have been posted as a packet of a particular description, but does not comply with conditions applicable to packets of that description see PARA 105 post.

UPDATE

95-120 The Inland Post

The Post Office Inland Letter Post Scheme 1989 replaced by the Post Office Inland Letter Post Scheme 2000 (London Gazette, 20 April 2000). 2000 Scheme renamed the Successor Postal Services Company Inland Letter Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Inland Letter Post Scheme 2001 has been amended by the Consignia plc Inland Letter Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Inland Letter Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Inland Letter Post (Amendment No 3) Scheme 2001 (London Gazette, 23 November 2001); the Consignia plc Inland Letter Post (Amendment No 4) Scheme 2002 (London Gazette, 28 June 2002); the Royal Mail Group plc Inland Letter Post (Amendment No 5) Scheme 2003 (London Gazette, 17 January 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 6) Scheme 2003 (London Gazette, 2 May 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 7) Scheme 2003 (London Gazette, 21 November 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 8) Scheme 2003 (London Gazette, 24 December 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 9) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 10) Scheme 2004 (London Gazette, 16 April 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 11) Scheme 2004 (London Gazette, 24 September 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 12) Scheme 2004 (London Gazette, 8 October 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 13) Scheme 2004 (London Gazette, 22 October 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 14) Scheme 2004 (London Gazette, 17 December 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 15) Scheme 2005 (London Gazette, 18 February 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 16) Scheme 2005 (London Gazette, 1 April 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 17) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 18) Scheme 2005 (London Gazette, 21 July 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 19) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 20) Scheme 2006 (London Gazette, 21 April 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 21) Scheme 2006 (London Gazette, 9 June 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 22) Scheme 2006 (London Gazette, 28 July 2006); the Royal Mail Group plc Inland Letter Post Scheme (Amendment No 23) 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Inland Letter Post Scheme (Amendment No 24) 2008 (London Gazette, 14 March 2008); the Royal Mail Group Ltd Inland Letter Post Scheme (Amendment No 25) 2008 (London Gazette, 29 July 2008) (consolidated version); the Royal Mail Group Limited Inland Letter Post

Scheme (Amendment No 26) 2009 (London Gazette, 27 March 2009); the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 27) 2009 (London Gazette, 16 October 2009); and the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 28) 2010 (London Gazette, 29 January 2010).

The Successor Postal Services Company Inland Letter Post Scheme 2001 sets out the conditions of the Royal Mail Group plc (ie the successor postal services company: see PARA 3) for (1) accepting a letter posted in the United Kingdom for delivery to an address in the United Kingdom, the Channel Islands or the Isle of Man; (2) accepting a letter sent from the Channel Islands or the Isle of Man for delivery to an address in the United Kingdom; and (3) providing other services in connection with Inland letter post and letter post sent between the United Kingdom and the Channel Islands or the Isle of Man: para 1.1.

The Post Office Inland Parcel Post Scheme 1989 is replaced by the Post Office Inland Parcel Post Scheme 2000 (London Gazette, 20 April 2000), which has been renamed the Successor Postal Services Company Inland Parcel Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Inland Parcel Post Scheme 2001 has been amended by the Consignia plc Inland Parcel Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Inland Parcel Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Inland Parcel Post (Amendment No 3) Scheme 2002 (London Gazette, 22 March 2002); the Consignia plc Inland Parcel Post (Amendment No 4) Scheme 2002 (London Gazette, 28 June 2002); the Royal Mail Group plc Inland Parcel Post (Amendment No 5) Scheme 2003 (London Gazette, 16 May 2003); the Royal Mail Group plc Inland Parcel Post (Amendment No 6) Scheme 2003 (London Gazette, 5 December 2003); the Royal Mail Group plc Inland Parcel Post (Amendment No 7) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Inland Parcel Post (Amendment No 8) Scheme 2004 (London Gazette, 28 May 2004); the Royal Mail Group plc Inland Parcel Post (Amendment No 9) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Inland Parcel Post (Amendment No 10) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Inland Parcel Post (Amendment No 11) Scheme 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 12) Scheme 2008 (London Gazette, 31 March 2008); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 13) Scheme 2008 (London Gazette, 2 June 2008); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 14) Scheme 2008 (London Gazette, 25 July 2008) (consolidated version); and the Royal Mail Group Ltd Inland Parcel Post (Amendment No 15) Scheme 2010 (London Gazette, 29 January 2010).

98 Limits of size and weight

TEXT AND NOTE 2--Post Office Inland Letter Post Scheme 1989 para 10, Sch 1 now Successor Postal Services Company Inland Letter Post Scheme 2001 para 16, Sch 1 (as amended: see PARAS 95-120). Post Office Inland Parcel Post Scheme 1989 Sch 1 now Successor Postal Services Company Inland Parcel Post Scheme 2001 Sch 1 (as amended: see PARAS 95-120).

In the Successor Postal Services Company Inland Letter Post Scheme 2001 'letter' means any postal packet other than a postal packet posted, conveyed, delivered or otherwise dealt with using a parcel service: Sch 2 (as amended). For the purpose of assessing postage rates, letters are separated into three categories: (1) 'Letter', where the size of the letter does not exceed 240mm x 165mm and 5mm in thickness; (2) 'Large Letter', where the size of the letter does not exceed 353mm x 250mm and 25mm in thickness; (3) 'Packet', any item which is more than 25mm in thickness, or longer than 353mm or wider than 250mm, or heavier than 750g, but is less than the

maximum dimensions as defined in the Successor Postal Services Company Inland Letter Post Scheme 2001 para 16: Sch 2 (as amended).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(4) THE INLAND POST/(i) General Conditions/99. Packets containing others for different persons.

99. Packets containing others for different persons.

A postal packet¹ consisting of or containing two or more postal packets addressed to different persons who are at different addresses may not be posted².

In the context of the inland letter scheme³, if such a packet is found in the post, each packet it contains may be forwarded to its addressee subject to such charge as the Post Office may fix, not exceeding the amount of the charge which would have been payable in respect of the packet if it had been posted separately without prepayment of postage⁴.

1 For the meaning of 'postal packet' see PARA 95 note 4 ante.

2 Post Office Inland Letter Post Scheme 1989 para 8(1); Post Office Inland Parcel Post Scheme 1989 para 8(1). As to the schemes in particular see PARA 95 ante; and as to schemes generally see PARA 83 ante.

3 Ie the Post Office Inland Letter Post Scheme 1989.

4 Post Office Inland Letter Post Scheme 1989 para 8(2). The charge is payable by the addressee or, if the packet is refused or cannot be delivered, by the sender: para 8(2).

UPDATE

95-120 The Inland Post

The Post Office Inland Letter Post Scheme 1989 replaced by the Post Office Inland Letter Post Scheme 2000 (London Gazette, 20 April 2000). 2000 Scheme renamed the Successor Postal Services Company Inland Letter Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Inland Letter Post Scheme 2001 has been amended by the Consignia plc Inland Letter Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Inland Letter Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Inland Letter Post (Amendment No 3) Scheme 2001 (London Gazette, 23 November 2001); the Consignia plc Inland Letter Post (Amendment No 4) Scheme 2002 (London Gazette, 28 June 2002); the Royal Mail Group plc Inland Letter Post (Amendment No 5) Scheme 2003 (London Gazette, 17 January 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 6) Scheme 2003 (London Gazette, 2 May 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 7) Scheme 2003 (London Gazette, 21 November 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 8) Scheme 2003 (London Gazette, 24 December 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 9) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 10) Scheme 2004 (London Gazette, 16 April 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 11) Scheme 2004 (London Gazette, 24 September 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 12) Scheme 2004 (London Gazette, 8 October 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 13) Scheme 2004 (London Gazette,

22 October 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 14) Scheme 2004 (London Gazette, 17 December 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 15) Scheme 2005 (London Gazette, 18 February 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 16) Scheme 2005 (London Gazette, 1 April 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 17) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 18) Scheme 2005 (London Gazette, 21 July 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 19) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 20) Scheme 2006 (London Gazette, 21 April 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 21) Scheme 2006 (London Gazette, 9 June 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 22) Scheme 2006 (London Gazette, 28 July 2006); the Royal Mail Group plc Inland Letter Post Scheme (Amendment No 23) 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Inland Letter Post Scheme (Amendment No 24) 2008 (London Gazette, 14 March 2008); the Royal Mail Group Ltd Inland Letter Post Scheme (Amendment No 25) 2008 (London Gazette, 29 July 2008) (consolidated version); the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 26) 2009 (London Gazette, 27 March 2009); the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 27) 2009 (London Gazette, 16 October 2009); and the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 28) 2010 (London Gazette, 29 January 2010).

The Successor Postal Services Company Inland Letter Post Scheme 2001 sets out the conditions of the Royal Mail Group plc (ie the successor postal services company: see PARA 3) for (1) accepting a letter posted in the United Kingdom for delivery to an address in the United Kingdom, the Channel Islands or the Isle of Man; (2) accepting a letter sent from the Channel Islands or the Isle of Man for delivery to an address in the United Kingdom; and (3) providing other services in connection with Inland letter post and letter post sent between the United Kingdom and the Channel Islands or the Isle of Man: para 1.1.

The Post Office Inland Parcel Post Scheme 1989 is replaced by the Post Office Inland Parcel Post Scheme 2000 (London Gazette, 20 April 2000), which has been renamed the Successor Postal Services Company Inland Parcel Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Inland Parcel Post Scheme 2001 has been amended by the Consignia plc Inland Parcel Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Inland Parcel Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Inland Parcel Post (Amendment No 3) Scheme 2002 (London Gazette, 22 March 2002); the Consignia plc Inland Parcel Post (Amendment No 4) Scheme 2002 (London Gazette, 28 June 2002); the Royal Mail Group plc Inland Parcel Post (Amendment No 5) Scheme 2003 (London Gazette, 16 May 2003); the Royal Mail Group plc Inland Parcel Post (Amendment No 6) Scheme 2003 (London Gazette, 5 December 2003); the Royal Mail Group plc Inland Parcel Post (Amendment No 7) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Inland Parcel Post (Amendment No 8) Scheme 2004 (London Gazette, 28 May 2004); the Royal Mail Group plc Inland Parcel Post (Amendment No 9) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Inland Parcel Post (Amendment No 10) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Inland Parcel Post (Amendment No 11) Scheme 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 12) Scheme 2008 (London Gazette, 31 March 2008); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 13) Scheme 2008 (London Gazette, 2 June 2008); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 14) Scheme 2008 (London Gazette, 25 July 2008) (consolidated version); and the Royal Mail Group Ltd Inland Parcel Post (Amendment No 15) Scheme 2010 (London Gazette, 29 January 2010).

99 Packets containing others for different persons

TEXT AND NOTES--Post Office Inland Letter Post Scheme 1989 replaced by Successor Postal Services Company Inland Letter Post Scheme 2001 which makes no corresponding provision.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(4) THE INLAND POST/(i) General Conditions/100. Packing.

100. Packing.

In the context of the inland letter scheme¹, every postal packet² must be made up and secured in such a manner as, in the opinion of the Post Office, is calculated to prevent injury to other postal packet, to any receptacle used for its conveyance, or to an officer of the Post Office or to any other person who may deal with the packet³.

In the context of the inland parcel scheme⁴, every postal packet must be made up and secured in such a manner as, in the opinion of the Post Office, is calculated to prevent injury to other postal packet, to any receptacle used for its conveyance, or to an officer of the Post Office or to any other person who may deal with the parcel⁵.

1 ie the Post Office Inland Letter Post Scheme 1989: see PARA 95 ante. As to schemes generally see PARA 83 ante.

2 For the meaning of 'postal packet' see PARA 95 note 4 ante.

3 Post Office Inland Letter Post Scheme 1989 para 9. For the meaning of 'officer of the Post Office' see PARA 96 note 13 ante.

4 ie the Post Office Inland Parcel Post Scheme 1989: see PARA 95 ante.

5 Post Office Inland Parcel Post Scheme 1989 para 9.

UPDATE

95-120 The Inland Post

The Post Office Inland Letter Post Scheme 1989 replaced by the Post Office Inland Letter Post Scheme 2000 (London Gazette, 20 April 2000). 2000 Scheme renamed the Successor Postal Services Company Inland Letter Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Inland Letter Post Scheme 2001 has been amended by the Consignia plc Inland Letter Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Inland Letter Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Inland Letter Post (Amendment No 3) Scheme 2001 (London Gazette, 23 November 2001); the Consignia plc Inland Letter Post (Amendment No 4) Scheme 2002 (London Gazette, 28 June 2002); the Royal Mail Group plc Inland Letter Post (Amendment No 5) Scheme 2003 (London Gazette, 17 January 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 6) Scheme 2003 (London Gazette, 2 May 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 7) Scheme 2003 (London Gazette, 21 November 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 8) Scheme 2003

(London Gazette, 24 December 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 9) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 10) Scheme 2004 (London Gazette, 16 April 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 11) Scheme 2004 (London Gazette, 24 September 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 12) Scheme 2004 (London Gazette, 8 October 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 13) Scheme 2004 (London Gazette, 22 October 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 14) Scheme 2004 (London Gazette, 17 December 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 15) Scheme 2005 (London Gazette, 18 February 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 16) Scheme 2005 (London Gazette, 1 April 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 17) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 18) Scheme 2005 (London Gazette, 21 July 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 19) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 20) Scheme 2006 (London Gazette, 21 April 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 21) Scheme 2006 (London Gazette, 9 June 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 22) Scheme 2006 (London Gazette, 28 July 2006); the Royal Mail Group plc Inland Letter Post Scheme (Amendment No 23) 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Inland Letter Post Scheme (Amendment No 24) 2008 (London Gazette, 14 March 2008); the Royal Mail Group Ltd Inland Letter Post Scheme (Amendment No 25) 2008 (London Gazette, 29 July 2008) (consolidated version); the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 26) 2009 (London Gazette, 27 March 2009); the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 27) 2009 (London Gazette, 16 October 2009); and the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 28) 2010 (London Gazette, 29 January 2010).

The Successor Postal Services Company Inland Letter Post Scheme 2001 sets out the conditions of the Royal Mail Group plc (ie the successor postal services company: see PARA 3) for (1) accepting a letter posted in the United Kingdom for delivery to an address in the United Kingdom, the Channel Islands or the Isle of Man; (2) accepting a letter sent from the Channel Islands or the Isle of Man for delivery to an address in the United Kingdom; and (3) providing other services in connection with Inland letter post and letter post sent between the United Kingdom and the Channel Islands or the Isle of Man: para 1.1.

The Post Office Inland Parcel Post Scheme 1989 is replaced by the Post Office Inland Parcel Post Scheme 2000 (London Gazette, 20 April 2000), which has been renamed the Successor Postal Services Company Inland Parcel Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Inland Parcel Post Scheme 2001 has been amended by the Consignia plc Inland Parcel Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Inland Parcel Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Inland Parcel Post (Amendment No 3) Scheme 2002 (London Gazette, 22 March 2002); the Consignia plc Inland Parcel Post (Amendment No 4) Scheme 2002 (London Gazette, 28 June 2002); the Royal Mail Group plc Inland Parcel Post (Amendment No 5) Scheme 2003 (London Gazette, 16 May 2003); the Royal Mail Group plc Inland Parcel Post (Amendment No 6) Scheme 2003 (London Gazette, 5 December 2003); the Royal Mail Group plc Inland Parcel Post (Amendment No 7) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Inland Parcel Post (Amendment No 8) Scheme 2004 (London Gazette, 28 May 2004); the Royal Mail Group plc Inland Parcel Post (Amendment No 9) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Inland Parcel Post (Amendment No 10) Scheme 2006 (London Gazette, 24 March 2006); the Royal

Mail Group plc Inland Parcel Post (Amendment No 11) Scheme 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 12) Scheme 2008 (London Gazette, 31 March 2008); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 13) Scheme 2008 (London Gazette, 2 June 2008); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 14) Scheme 2008 (London Gazette, 25 July 2008) (consolidated version); and the Royal Mail Group Ltd Inland Parcel Post (Amendment No 15) Scheme 2010 (London Gazette, 29 January 2010).

100 Packing

NOTE 3--Post Office Inland Letter Post Scheme 1989 para 9 now Successor Postal Services Company Inland Letter Post Scheme 2001 para 9.1.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(4) THE INLAND POST/(i) General Conditions/101. Rates of postage.

101. Rates of postage.

Postage is charged and payable on a postal packet¹ according to the description of the packet at the rate determined by reference to a scale². The Post Office must publish from time to time in the London, Edinburgh and Belfast Gazettes, or in such other manner as it may determine, the rates of postage so fixed³.

The Post Office may remit in whole or in part any postage or other sums chargeable in such cases as it may determine⁴.

1 For the meaning of 'postal packet' see PARA 95 note 4 ante.

2 Post Office Inland Letter Post Scheme 1989 para 5(1), (3) (amended by the Post Office Inland Parcel Post Amendment (No 8) Scheme 1996), Sch 1 (substituted by the Post Office Inland Letter Post Amendment (No 12) Scheme 1999); Post Office Inland Parcel Post Scheme 1989 para 5(1)-(3), (5) (para 5 amended by the Post Office Inland Parcel Post Amendment (No 10) Scheme 1998), Post Office Inland Parcel Post Scheme 1989 Sch 1 (substituted by the Post Office Inland Parcel Post Amendment (No 11) Scheme 1999). As to the schemes in particular see PARA 95 ante; and as to schemes generally see PARA 83 ante.

3 Post Office Inland Letter Post Scheme 1989 para 5(2); Post Office Inland Parcel Post Scheme 1989 para 5(5).

4 Post Office Inland Letter Post Scheme 1989 para 45; Post Office Inland Parcel Post Scheme 1989 para 31.

UPDATE

95-120 The Inland Post

The Post Office Inland Letter Post Scheme 1989 replaced by the Post Office Inland Letter Post Scheme 2000 (London Gazette, 20 April 2000). 2000 Scheme renamed the Successor Postal Services Company Inland Letter Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Inland Letter Post Scheme 2001 has been amended by the Consignia plc Inland Letter Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Inland Letter Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Inland Letter Post (Amendment No 3) Scheme 2001 (London Gazette, 23 November 2001); the Consignia

plc Inland Letter Post (Amendment No 4) Scheme 2002 (London Gazette, 28 June 2002); the Royal Mail Group plc Inland Letter Post (Amendment No 5) Scheme 2003 (London Gazette, 17 January 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 6) Scheme 2003 (London Gazette, 2 May 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 7) Scheme 2003 (London Gazette, 21 November 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 8) Scheme 2003 (London Gazette, 24 December 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 9) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 10) Scheme 2004 (London Gazette, 16 April 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 11) Scheme 2004 (London Gazette, 24 September 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 12) Scheme 2004 (London Gazette, 8 October 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 13) Scheme 2004 (London Gazette, 22 October 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 14) Scheme 2004 (London Gazette, 17 December 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 15) Scheme 2005 (London Gazette, 18 February 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 16) Scheme 2005 (London Gazette, 1 April 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 17) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 18) Scheme 2005 (London Gazette, 21 July 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 19) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 20) Scheme 2006 (London Gazette, 21 April 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 21) Scheme 2006 (London Gazette, 9 June 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 22) Scheme 2006 (London Gazette, 28 July 2006); the Royal Mail Group plc Inland Letter Post Scheme (Amendment No 23) 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Inland Letter Post Scheme (Amendment No 24) 2008 (London Gazette, 14 March 2008); the Royal Mail Group Ltd Inland Letter Post Scheme (Amendment No 25) 2008 (London Gazette, 29 July 2008) (consolidated version); the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 26) 2009 (London Gazette, 27 March 2009); the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 27) 2009 (London Gazette, 16 October 2009); and the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 28) 2010 (London Gazette, 29 January 2010).

The Successor Postal Services Company Inland Letter Post Scheme 2001 sets out the conditions of the Royal Mail Group plc (ie the successor postal services company: see PARA 3) for (1) accepting a letter posted in the United Kingdom for delivery to an address in the United Kingdom, the Channel Islands or the Isle of Man; (2) accepting a letter sent from the Channel Islands or the Isle of Man for delivery to an address in the United Kingdom; and (3) providing other services in connection with Inland letter post and letter post sent between the United Kingdom and the Channel Islands or the Isle of Man: para 1.1.

The Post Office Inland Parcel Post Scheme 1989 is replaced by the Post Office Inland Parcel Post Scheme 2000 (London Gazette, 20 April 2000), which has been renamed the Successor Postal Services Company Inland Parcel Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Inland Parcel Post Scheme 2001 has been amended by the Consignia plc Inland Parcel Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Inland Parcel Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Inland Parcel Post (Amendment No 3) Scheme 2002 (London Gazette, 22 March 2002); the Consignia plc Inland Parcel Post (Amendment No 4) Scheme 2002 (London Gazette, 28 June 2002); the Royal Mail Group plc Inland Parcel Post (Amendment No 5) Scheme 2003 (London Gazette, 16 May 2003); the Royal Mail Group plc Inland Parcel Post (Amendment No 6)

Scheme 2003 (London Gazette, 5 December 2003); the Royal Mail Group plc Inland Parcel Post (Amendment No 7) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Inland Parcel Post (Amendment No 8) Scheme 2004 (London Gazette, 28 May 2004); the Royal Mail Group plc Inland Parcel Post (Amendment No 9) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Inland Parcel Post (Amendment No 10) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Inland Parcel Post (Amendment No 11) Scheme 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 12) Scheme 2008 (London Gazette, 31 March 2008); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 13) Scheme 2008 (London Gazette, 2 June 2008); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 14) Scheme 2008 (London Gazette, 25 July 2008) (consolidated version); and the Royal Mail Group Ltd Inland Parcel Post (Amendment No 15) Scheme 2010 (London Gazette, 29 January 2010).

101 Rates of postage

NOTES 2, 3--Post Office Inland Letter Post Scheme 1989 para 5, Sch 1 now Successor Postal Services Company Inland Letter Post Scheme 2001 para 11, Sch 1 (as amended: see PARAS 95-120).

NOTE 2--Post Office Inland Parcel Post Scheme 1989 Sch 1 now Successor Postal Services Company Inland Parcel Post Scheme 2001 Sch 1 (as amended: see PARAS 95-120).

TEXT AND NOTE 4--Post Office Inland Letter Post Scheme 1989 para 45 is not reproduced in the Successor Postal Services Company Inland Letter Post Scheme 2001.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(4) THE INLAND POST/(i) General Conditions/102. Payment of postage and fees.

102. Payment of postage and fees.

In the context of the inland letter scheme¹, the postage and fees payable on every postal packet², and the fees payable in respect of postal facilities, must be prepaid³, except for a business reply packet or a freepost packet, or where the Post Office has granted credit facilities to the sender, or where the Post Office otherwise directs⁴.

In the context of the parcel post scheme⁵, the postage and fees payable on every postal packet, and the fees payable in respect of postal facilities, must be prepaid⁶, except where the Post Office has granted credit facilities to the sender, or where the Post Office otherwise directs⁷.

In the context of both schemes, payment may be denoted:

- (1) by adhesive postage stamps (of decimal denominations of money) bearing the effigy of Her Majesty Queen Elizabeth II⁸;
- (2) by postage stamps (of such denominations) embossed, impressed or printed on envelopes, covers, wrappers or other postal forms authorised by the Post Office or on other forms so authorised, including such stamps which have been cut out or detached from them⁹;
- (3) by impressions made by postal franking machines¹⁰, printing presses or other printing or stamping devices operated under the direction or with the authority of the Post Office¹¹; or

(4) in such other manner as the Post Office may permit¹².

A stamp or impression denoting payment must be placed in such position as the Post Office considers appropriate¹³. No impression which is imperfect and no stamp or impression which is mutilated or defaced in any way, or across which anything is written, printed or impressed may be used to denote payment; but a stamp is not invalidated by reason only that it is perforated with initials if the holes are no larger than those of the dividing perforations in a sheet of stamps¹⁴.

- 1 ie the Post Office Inland Letter Post Scheme 1989: see PARA 95 ante. As to schemes generally see PARA 83 ante.
- 2 For the meaning of 'postal packet' see PARA 95 note 4 ante.
- 3 Post Office Inland Letter Post Scheme 1989 para 11(1).
- 4 Post Office Inland Letter Post Scheme 1989 para 11(1), (2). For the meaning of 'business reply packet' and 'freepost packet' see PARA 112 note 2 post.
- 5 ie the Post Office Inland Parcel Post Scheme 1989: see PARA 95 ante.
- 6 Post Office Inland Parcel Post Scheme 1989 para 11(1).
- 7 Post Office Inland Parcel Post Scheme 1989 para 11(1), (2) (amended by the Post Office Inland Parcel Post Amendment (No 11) Scheme 1999).
- 8 Post Office Inland Letter Post Scheme 1989 para 11(3)(a); Post Office Inland Parcel Post Scheme 1989 para 11(3)(a).
- 9 Post Office Inland Letter Post Scheme 1989 para 11(3)(b); Post Office Inland Parcel Post Scheme 1989 para 11(3)(b).
- 10 The use of a postal franking machine must be authorised by the Post Office either by licence or by an authority in accordance with Sch 2 of the relevant scheme: Post Office Inland Letter Post Scheme 1989 para 11(6); Post Office Inland Parcel Post Scheme 1989 para 11(6). Where payment is denoted by a franking machine, or by impression made by any other authorised device, special conditions and restrictions as to posting apply: see the Post Office Inland Letter Post Scheme 1989 para 11(5) (amended by the Post Office Inland Letter Post Amendment (No 1) Scheme 1990); Post Office Inland Parcel Post Scheme 1989 para 11(5). 'Postal franking machine' means an approved type of franking machine designed to stamp impressions denoting the payment of postage and other fees by means of a franking die and date stamp, and includes any meter used in or in connection with the machine and any dies used in it: Post Office Inland Letter Post Scheme 1989 para 3(1); Post Office Inland Parcel Post Scheme 1989 para 3(1).
- 11 Post Office Inland Letter Post Scheme 1989 para 11(3)(c); Post Office Inland Parcel Post Scheme 1989 para 11(3)(c).
- 12 Post Office Inland Letter Post Scheme 1989 para 11(3)(d); Post Office Inland Parcel Post Scheme 1989 para 11(3)(d).
- 13 Post Office Inland Letter Post Scheme 1989 para 11(7); Post Office Inland Parcel Post Scheme 1989 para 11(7).
- 14 Post Office Inland Letter Post Scheme 1989 para 11(8); Post Office Inland Parcel Post Scheme 1989 para 11(8).

UPDATE

95-120 The Inland Post

The Post Office Inland Letter Post Scheme 1989 replaced by the Post Office Inland Letter Post Scheme 2000 (London Gazette, 20 April 2000). 2000 Scheme renamed the Successor Postal Services Company Inland Letter Post Scheme 2001: SI 2001/1148.

The Successor Postal Services Company Inland Letter Post Scheme 2001 has been amended by the Consignia plc Inland Letter Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Inland Letter Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Inland Letter Post (Amendment No 3) Scheme 2001 (London Gazette, 23 November 2001); the Consignia plc Inland Letter Post (Amendment No 4) Scheme 2002 (London Gazette, 28 June 2002); the Royal Mail Group plc Inland Letter Post (Amendment No 5) Scheme 2003 (London Gazette, 17 January 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 6) Scheme 2003 (London Gazette, 2 May 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 7) Scheme 2003 (London Gazette, 21 November 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 8) Scheme 2003 (London Gazette, 24 December 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 9) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 10) Scheme 2004 (London Gazette, 16 April 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 11) Scheme 2004 (London Gazette, 24 September 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 12) Scheme 2004 (London Gazette, 8 October 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 13) Scheme 2004 (London Gazette, 22 October 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 14) Scheme 2004 (London Gazette, 17 December 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 15) Scheme 2005 (London Gazette, 18 February 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 16) Scheme 2005 (London Gazette, 1 April 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 17) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 18) Scheme 2005 (London Gazette, 21 July 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 19) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 20) Scheme 2006 (London Gazette, 21 April 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 21) Scheme 2006 (London Gazette, 9 June 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 22) Scheme 2006 (London Gazette, 28 July 2006); the Royal Mail Group plc Inland Letter Post Scheme (Amendment No 23) 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Inland Letter Post Scheme (Amendment No 24) 2008 (London Gazette, 14 March 2008); the Royal Mail Group Ltd Inland Letter Post Scheme (Amendment No 25) 2008 (London Gazette, 29 July 2008) (consolidated version); the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 26) 2009 (London Gazette, 27 March 2009); the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 27) 2009 (London Gazette, 16 October 2009); and the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 28) 2010 (London Gazette, 29 January 2010).

The Successor Postal Services Company Inland Letter Post Scheme 2001 sets out the conditions of the Royal Mail Group plc (ie the successor postal services company: see PARA 3) for (1) accepting a letter posted in the United Kingdom for delivery to an address in the United Kingdom, the Channel Islands or the Isle of Man; (2) accepting a letter sent from the Channel Islands or the Isle of Man for delivery to an address in the United Kingdom; and (3) providing other services in connection with Inland letter post and letter post sent between the United Kingdom and the Channel Islands or the Isle of Man: para 1.1.

The Post Office Inland Parcel Post Scheme 1989 is replaced by the Post Office Inland Parcel Post Scheme 2000 (London Gazette, 20 April 2000), which has been renamed the Successor Postal Services Company Inland Parcel Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Inland Parcel Post Scheme 2001 has been amended by the Consignia plc Inland Parcel Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Inland Parcel Post (Amendment No

2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Inland Parcel Post (Amendment No 3) Scheme 2002 (London Gazette, 22 March 2002); the Consignia plc Inland Parcel Post (Amendment No 4) Scheme 2002 (London Gazette, 28 June 2002); the Royal Mail Group plc Inland Parcel Post (Amendment No 5) Scheme 2003 (London Gazette, 16 May 2003); the Royal Mail Group plc Inland Parcel Post (Amendment No 6) Scheme 2003 (London Gazette, 5 December 2003); the Royal Mail Group plc Inland Parcel Post (Amendment No 7) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Inland Parcel Post (Amendment No 8) Scheme 2004 (London Gazette, 28 May 2004); the Royal Mail Group plc Inland Parcel Post (Amendment No 9) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Inland Parcel Post (Amendment No 10) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Inland Parcel Post (Amendment No 11) Scheme 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 12) Scheme 2008 (London Gazette, 31 March 2008); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 13) Scheme 2008 (London Gazette, 2 June 2008); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 14) Scheme 2008 (London Gazette, 25 July 2008) (consolidated version); and the Royal Mail Group Ltd Inland Parcel Post (Amendment No 15) Scheme 2010 (London Gazette, 29 January 2010).

102 Payment of postage and fees

NOTES--Post Office Inland Letter Post Scheme 1989 para 11 now Successor Postal Services Company Inland Letter Post Scheme 2001 para 10.

NOTE 10--As to the terms and conditions which are applicable to the franking of letters and parcels for posting in the United Kingdom, and to the posting of franked letters and parcels see the Royal Mail Scheme for Franking Letters and Parcels 2008 (London Gazette, 28 March 2008).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(4) THE INLAND POST/(i) General Conditions/103. Postmarks.

103. Postmarks.

In the context of the inland letter scheme¹, the marks used by the Post Office for the purpose of cancelling stamps or impressions denoting the payment of postage on postal packets² may consist of such words or devices as the Post Office may in its discretion think proper, including words or devices, whether constituting advertisements or otherwise, in respect of the use of which as postmarks payment is made by any persons to the Post Office³.

In the context of both the inland letter scheme and the inland parcel scheme⁴, the Post Office may write or impress on, or affix to a postal packet such words, marks, codes, devices or labels for postal purposes as it may, in its discretion, think proper⁵. The Post Office may charge such fee for the cancellation with a special postmark of postage stamps affixed to postal packets as it may from time to time determine⁶.

1 ie the Post Office Inland Letter Post Scheme 1989: see PARA 95 ante. As to schemes generally see PARA 83 ante.

2 For the meaning of 'postal packet' see PARA 95 note 4 ante.

3 Post Office Inland Letter Post Scheme 1989 para 13(1).

4 le the Post Office Inland Parcel Post Scheme 1989: see PARA 95 ante.

5 Post Office Inland Letter Post Scheme 1989 para 13(2); Post Office Inland Parcel Post Scheme 1989 para 13(2).

6 Post Office Inland Letter Post Scheme 1989 para 13(3); Post Office Inland Parcel Post Scheme 1989 para 13(3).

UPDATE

95-120 The Inland Post

The Post Office Inland Letter Post Scheme 1989 replaced by the Post Office Inland Letter Post Scheme 2000 (London Gazette, 20 April 2000). 2000 Scheme renamed the Successor Postal Services Company Inland Letter Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Inland Letter Post Scheme 2001 has been amended by the Consignia plc Inland Letter Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Inland Letter Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Inland Letter Post (Amendment No 3) Scheme 2001 (London Gazette, 23 November 2001); the Consignia plc Inland Letter Post (Amendment No 4) Scheme 2002 (London Gazette, 28 June 2002); the Royal Mail Group plc Inland Letter Post (Amendment No 5) Scheme 2003 (London Gazette, 17 January 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 6) Scheme 2003 (London Gazette, 2 May 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 7) Scheme 2003 (London Gazette, 21 November 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 8) Scheme 2003 (London Gazette, 24 December 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 9) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 10) Scheme 2004 (London Gazette, 16 April 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 11) Scheme 2004 (London Gazette, 24 September 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 12) Scheme 2004 (London Gazette, 8 October 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 13) Scheme 2004 (London Gazette, 22 October 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 14) Scheme 2004 (London Gazette, 17 December 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 15) Scheme 2005 (London Gazette, 18 February 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 16) Scheme 2005 (London Gazette, 1 April 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 17) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 18) Scheme 2005 (London Gazette, 21 July 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 19) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 20) Scheme 2006 (London Gazette, 21 April 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 21) Scheme 2006 (London Gazette, 9 June 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 22) Scheme 2006 (London Gazette, 28 July 2006); the Royal Mail Group plc Inland Letter Post Scheme (Amendment No 23) 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Inland Letter Post Scheme (Amendment No 24) 2008 (London Gazette, 14 March 2008); the Royal Mail Group Ltd Inland Letter Post Scheme (Amendment No 25) 2008 (London Gazette, 29 July 2008) (consolidated version); the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 26) 2009 (London Gazette, 27 March 2009); the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 27) 2009 (London Gazette, 16 October 2009); and the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 28) 2010 (London Gazette, 29 January 2010).

The Successor Postal Services Company Inland Letter Post Scheme 2001 sets out the conditions of the Royal Mail Group plc (ie the successor postal services company: see PARA 3) for (1) accepting a letter posted in the United Kingdom for delivery to an address in the United Kingdom, the Channel Islands or the Isle of Man; (2) accepting a letter sent from the Channel Islands or the Isle of Man for delivery to an address in the United Kingdom; and (3) providing other services in connection with Inland letter post and letter post sent between the United Kingdom and the Channel Islands or the Isle of Man: para 1.1.

The Post Office Inland Parcel Post Scheme 1989 is replaced by the Post Office Inland Parcel Post Scheme 2000 (London Gazette, 20 April 2000), which has been renamed the Successor Postal Services Company Inland Parcel Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Inland Parcel Post Scheme 2001 has been amended by the Consignia plc Inland Parcel Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Inland Parcel Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Inland Parcel Post (Amendment No 3) Scheme 2002 (London Gazette, 22 March 2002); the Consignia plc Inland Parcel Post (Amendment No 4) Scheme 2002 (London Gazette, 28 June 2002); the Royal Mail Group plc Inland Parcel Post (Amendment No 5) Scheme 2003 (London Gazette, 16 May 2003); the Royal Mail Group plc Inland Parcel Post (Amendment No 6) Scheme 2003 (London Gazette, 5 December 2003); the Royal Mail Group plc Inland Parcel Post (Amendment No 7) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Inland Parcel Post (Amendment No 8) Scheme 2004 (London Gazette, 28 May 2004); the Royal Mail Group plc Inland Parcel Post (Amendment No 9) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Inland Parcel Post (Amendment No 10) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Inland Parcel Post (Amendment No 11) Scheme 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 12) Scheme 2008 (London Gazette, 31 March 2008); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 13) Scheme 2008 (London Gazette, 2 June 2008); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 14) Scheme 2008 (London Gazette, 25 July 2008) (consolidated version); and the Royal Mail Group Ltd Inland Parcel Post (Amendment No 15) Scheme 2010 (London Gazette, 29 January 2010).

103 Postmarks

NOTES--Post Office Inland Letter Post Scheme 1989 para 13 now Successor Postal Services Company Inland Letter Post Scheme 2001 para 14.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(4) THE INLAND POST/(i) General Conditions/104. Unpaid or underpaid postage.

104. Unpaid or underpaid postage.

In the context of the inland letter scheme¹, where the postage or other sum chargeable for the transmission of an inland postal packet² is required to be prepaid and the sender has failed to pay any or all of the postage or other sum due, the Post Office may deliver the packet³, return it to sender⁴, dispose of it⁵, or retain it for such period as it thinks fit and then return or dispose of it⁶. Where the packet is delivered, the addressee must pay such amount as the Post Office may determine⁷. Where the packet is retained, the addressee must pay such amount as the Post Office may determine and upon receipt of such payment the Post Office must either deliver the

packet or permit its collection⁸. Where the packet cannot be delivered or the addressee refuses to make payment, then the packet may be dealt with in accordance with the provisions relating to undeliverable postal packets⁹.

In the context of the inland parcel scheme¹⁰, where the postage or other sums chargeable for the transmission of an inland postal packet is required to be prepaid and has not been, or has been insufficiently, prepaid by the sender, the addressee must pay on the delivery of the packet, or, if the packet is refused or cannot for any other reason be delivered, such amount as the Post Office may determine¹¹.

1 Ie the Post Office Inland Letter Post Scheme 1989: see PARA 95 ante. As to schemes generally see PARA 83 ante.

2 For the meaning of 'postal packet' see PARA 95 note 4 ante; and for the meaning of 'inland' see PARA 96 note 2 ante.

3 Post Office Inland Letter Post Scheme 1989 para 12(1)(a) (para 12 added by the Post Office Inland Letter Post Amendment (No 5) Scheme 1993). As to unpaid or underpaid postage on postal packets, other than parcels, transmitted between the United Kingdom and the Channel Islands or the Isle of Man see Post Office Inland Letter Post Scheme 1989 para 55. For the meaning of 'United Kingdom' see PARA 18 note 1 ante.

4 Ibid para 12(1)(b).

5 Ibid para 12(1)(b).

6 Ibid para 12(1)(c).

7 Ibid para 12(2)(a).

8 Ibid para 12(2)(b).

9 Ibid para 12(2)(c). For the provisions relating to undeliverable postal packets see PARA 106 post.

10 Ie the Post Office Inland Parcel Post Scheme 1989: see PARA 95 ante.

11 Post Office Inland Parcel Post Scheme 1989 para 12(1).

UPDATE

95-120 The Inland Post

The Post Office Inland Letter Post Scheme 1989 replaced by the Post Office Inland Letter Post Scheme 2000 (London Gazette, 20 April 2000). 2000 Scheme renamed the Successor Postal Services Company Inland Letter Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Inland Letter Post Scheme 2001 has been amended by the Consignia plc Inland Letter Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Inland Letter Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Inland Letter Post (Amendment No 3) Scheme 2001 (London Gazette, 23 November 2001); the Consignia plc Inland Letter Post (Amendment No 4) Scheme 2002 (London Gazette, 28 June 2002); the Royal Mail Group plc Inland Letter Post (Amendment No 5) Scheme 2003 (London Gazette, 17 January 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 6) Scheme 2003 (London Gazette, 2 May 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 7) Scheme 2003 (London Gazette, 21 November 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 8) Scheme 2003 (London Gazette, 24 December 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 9) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 10) Scheme 2004 (London Gazette, 16 April 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 11) Scheme

2004 (London Gazette, 24 September 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 12) Scheme 2004 (London Gazette, 8 October 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 13) Scheme 2004 (London Gazette, 22 October 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 14) Scheme 2004 (London Gazette, 17 December 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 15) Scheme 2005 (London Gazette, 18 February 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 16) Scheme 2005 (London Gazette, 1 April 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 17) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 18) Scheme 2005 (London Gazette, 21 July 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 19) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 20) Scheme 2006 (London Gazette, 21 April 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 21) Scheme 2006 (London Gazette, 9 June 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 22) Scheme 2006 (London Gazette, 28 July 2006); the Royal Mail Group plc Inland Letter Post Scheme (Amendment No 23) 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Inland Letter Post Scheme (Amendment No 24) 2008 (London Gazette, 14 March 2008); the Royal Mail Group Ltd Inland Letter Post Scheme (Amendment No 25) 2008 (London Gazette, 29 July 2008) (consolidated version); the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 26) 2009 (London Gazette, 27 March 2009); the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 27) 2009 (London Gazette, 16 October 2009); and the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 28) 2010 (London Gazette, 29 January 2010).

The Successor Postal Services Company Inland Letter Post Scheme 2001 sets out the conditions of the Royal Mail Group plc (ie the successor postal services company: see PARA 3) for (1) accepting a letter posted in the United Kingdom for delivery to an address in the United Kingdom, the Channel Islands or the Isle of Man; (2) accepting a letter sent from the Channel Islands or the Isle of Man for delivery to an address in the United Kingdom; and (3) providing other services in connection with Inland letter post and letter post sent between the United Kingdom and the Channel Islands or the Isle of Man: para 1.1.

The Post Office Inland Parcel Post Scheme 1989 is replaced by the Post Office Inland Parcel Post Scheme 2000 (London Gazette, 20 April 2000), which has been renamed the Successor Postal Services Company Inland Parcel Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Inland Parcel Post Scheme 2001 has been amended by the Consignia plc Inland Parcel Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Inland Parcel Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Inland Parcel Post (Amendment No 3) Scheme 2002 (London Gazette, 22 March 2002); the Consignia plc Inland Parcel Post (Amendment No 4) Scheme 2002 (London Gazette, 28 June 2002); the Royal Mail Group plc Inland Parcel Post (Amendment No 5) Scheme 2003 (London Gazette, 16 May 2003); the Royal Mail Group plc Inland Parcel Post (Amendment No 6) Scheme 2003 (London Gazette, 5 December 2003); the Royal Mail Group plc Inland Parcel Post (Amendment No 7) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Inland Parcel Post (Amendment No 8) Scheme 2004 (London Gazette, 28 May 2004); the Royal Mail Group plc Inland Parcel Post (Amendment No 9) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Inland Parcel Post (Amendment No 10) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Inland Parcel Post (Amendment No 11) Scheme 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 12) Scheme 2008 (London Gazette, 31 March 2008); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 13) Scheme 2008 (London Gazette, 2 June 2008); the Royal Mail

Group Ltd Inland Parcel Post (Amendment No 14) Scheme 2008 (London Gazette, 25 July 2008) (consolidated version); and the Royal Mail Group Ltd Inland Parcel Post (Amendment No 15) Scheme 2010 (London Gazette, 29 January 2010).

104 Unpaid or underpaid postage

NOTES 3-9--Post Office Inland Letter Post Scheme 1989 para 12 now Successor Postal Services Company Inland Letter Post Scheme 2001 para 17.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(4) THE INLAND POST/(i) General Conditions/105. Treatment of irregular packets.

105. Treatment of irregular packets.

If a postal packet¹ found in the post appears to have been intended for transmission as a packet of a particular description but does not comply, or the manner of its posting did not comply, with the conditions applicable to packets of that description, the Post Office may, as it thinks fit, treat it as if it had been posted as a packet of that description or as a packet of such other description as it considers appropriate².

1 For the meaning of 'postal packet' see PARA 95 note 4 ante. This provision does not apply to a packet to which the compulsory registration provisions of the Post Office Inland Letter Post Scheme 1989 para 37(1) or (2) (see PARA 118 post), apply: para 14.

2 Ibid para 14; Post Office Inland Parcel Post Scheme 1989 para 14(1). If a packet is so treated as a parcel and the amount of postage prepaid is less than the amount which would have been payable if it had been posted as a parcel, the deficiency of postage and an additional sum is payable by the addressee on delivery or, if the packet is refused or cannot be delivered, by the sender: para 14(2). As to the schemes see PARA 95 ante; and as to schemes in general see PARA 83 ante.

UPDATE

95-120 The Inland Post

The Post Office Inland Letter Post Scheme 1989 replaced by the Post Office Inland Letter Post Scheme 2000 (London Gazette, 20 April 2000). 2000 Scheme renamed the Successor Postal Services Company Inland Letter Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Inland Letter Post Scheme 2001 has been amended by the Consignia plc Inland Letter Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Inland Letter Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Inland Letter Post (Amendment No 3) Scheme 2001 (London Gazette, 23 November 2001); the Consignia plc Inland Letter Post (Amendment No 4) Scheme 2002 (London Gazette, 28 June 2002); the Royal Mail Group plc Inland Letter Post (Amendment No 5) Scheme 2003 (London Gazette, 17 January 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 6) Scheme 2003 (London Gazette, 2 May 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 7) Scheme 2003 (London Gazette, 21 November 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 8) Scheme 2003 (London Gazette, 24 December 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 9) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 10) Scheme 2004 (London Gazette, 16

April 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 11) Scheme 2004 (London Gazette, 24 September 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 12) Scheme 2004 (London Gazette, 8 October 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 13) Scheme 2004 (London Gazette, 22 October 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 14) Scheme 2004 (London Gazette, 17 December 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 15) Scheme 2005 (London Gazette, 18 February 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 16) Scheme 2005 (London Gazette, 1 April 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 17) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 18) Scheme 2005 (London Gazette, 21 July 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 19) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 20) Scheme 2006 (London Gazette, 21 April 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 21) Scheme 2006 (London Gazette, 9 June 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 22) Scheme 2006 (London Gazette, 28 July 2006); the Royal Mail Group plc Inland Letter Post Scheme (Amendment No 23) 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Inland Letter Post Scheme (Amendment No 24) 2008 (London Gazette, 14 March 2008); the Royal Mail Group Ltd Inland Letter Post Scheme (Amendment No 25) 2008 (London Gazette, 29 July 2008) (consolidated version); the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 26) 2009 (London Gazette, 27 March 2009); the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 27) 2009 (London Gazette, 16 October 2009); and the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 28) 2010 (London Gazette, 29 January 2010).

The Successor Postal Services Company Inland Letter Post Scheme 2001 sets out the conditions of the Royal Mail Group plc (ie the successor postal services company: see PARA 3) for (1) accepting a letter posted in the United Kingdom for delivery to an address in the United Kingdom, the Channel Islands or the Isle of Man; (2) accepting a letter sent from the Channel Islands or the Isle of Man for delivery to an address in the United Kingdom; and (3) providing other services in connection with Inland letter post and letter post sent between the United Kingdom and the Channel Islands or the Isle of Man: para 1.1.

The Post Office Inland Parcel Post Scheme 1989 is replaced by the Post Office Inland Parcel Post Scheme 2000 (London Gazette, 20 April 2000), which has been renamed the Successor Postal Services Company Inland Parcel Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Inland Parcel Post Scheme 2001 has been amended by the Consignia plc Inland Parcel Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Inland Parcel Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Inland Parcel Post (Amendment No 3) Scheme 2002 (London Gazette, 22 March 2002); the Consignia plc Inland Parcel Post (Amendment No 4) Scheme 2002 (London Gazette, 28 June 2002); the Royal Mail Group plc Inland Parcel Post (Amendment No 5) Scheme 2003 (London Gazette, 16 May 2003); the Royal Mail Group plc Inland Parcel Post (Amendment No 6) Scheme 2003 (London Gazette, 5 December 2003); the Royal Mail Group plc Inland Parcel Post (Amendment No 7) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Inland Parcel Post (Amendment No 8) Scheme 2004 (London Gazette, 28 May 2004); the Royal Mail Group plc Inland Parcel Post (Amendment No 9) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Inland Parcel Post (Amendment No 10) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Inland Parcel Post (Amendment No 11) Scheme 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 12) Scheme 2008 (London Gazette, 31 March 2008); the Royal Mail Group Ltd Inland Parcel

Post (Amendment No 13) Scheme 2008 (London Gazette, 2 June 2008); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 14) Scheme 2008 (London Gazette, 25 July 2008) (consolidated version); and the Royal Mail Group Ltd Inland Parcel Post (Amendment No 15) Scheme 2010 (London Gazette, 29 January 2010).

105 Treatment of irregular packets

NOTES--Post Office Inland Letter Post Scheme 1989 para 14 now Successor Postal Services Company Inland Letter Post Scheme 2001 para 7.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(4) THE INLAND POST/(i) General Conditions/106. Undeliverable packets other than parcels.

106. Undeliverable packets other than parcels.

Where a postal packet¹, other than an election communication², cannot for any reason be delivered, the packet must be returned to the sender, subject to payment of any charges to which it has become liable, if his name and address appear legibly on the outside³. Otherwise, the packet must be opened by a duly authorised officer of the Post Office⁴ and, unless it contains only commercial advertising matter, newspapers or magazines, returned to the sender if his name and address can be ascertained⁵. Where a packet is not required to be returned to the sender, or the sender refuses or fails to pay any outstanding charges, it may be dealt with or disposed of in such manner as the Post Office thinks fit⁶.

1 For the meaning of 'postal packet' see PARA 95 note 4 ante.

2 The Post Office Inland Letter Post Scheme 1989 para 15(1) (as amended) refers to election communications received by the Post Office for pursuant to the Representation of the People Act 1949 s 79(1) (repealed). The statutory provision currently in force is the Representation of the People Act 1983 s 91 (as amended): see PARA 171 post; and ELECTIONS AND REFERENDUMS vol 15(3) (2007 Reissue) PARA 335.

3 Post Office Inland Letter Post Scheme 1989 para 15(1)(a) (para 15(1) amended by the Post Office Inland Letter Post Amendment (No 8) Scheme 1996). As to the scheme see PARA 95 ante; and as to schemes generally see PARA 83 ante.

4 For the meaning of 'officer of the Post Office' see PARA 96 note 13 ante.

5 Post Office Inland Letter Post Scheme 1989 para 15(1)(b) (para 15(1) as amended: see note 3 supra).

6 Ibid para 15(1)(c), (3), (para 15(1) as amended: see note 3 supra).

UPDATE

95-120 The Inland Post

The Post Office Inland Letter Post Scheme 1989 replaced by the Post Office Inland Letter Post Scheme 2000 (London Gazette, 20 April 2000). 2000 Scheme renamed the Successor Postal Services Company Inland Letter Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Inland Letter Post Scheme 2001 has been amended by the Consignia plc Inland Letter Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Inland Letter Post (Amendment No

2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Inland Letter Post (Amendment No 3) Scheme 2001 (London Gazette, 23 November 2001); the Consignia plc Inland Letter Post (Amendment No 4) Scheme 2002 (London Gazette, 28 June 2002); the Royal Mail Group plc Inland Letter Post (Amendment No 5) Scheme 2003 (London Gazette, 17 January 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 6) Scheme 2003 (London Gazette, 2 May 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 7) Scheme 2003 (London Gazette, 21 November 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 8) Scheme 2003 (London Gazette, 24 December 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 9) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 10) Scheme 2004 (London Gazette, 16 April 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 11) Scheme 2004 (London Gazette, 24 September 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 12) Scheme 2004 (London Gazette, 8 October 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 13) Scheme 2004 (London Gazette, 22 October 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 14) Scheme 2004 (London Gazette, 17 December 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 15) Scheme 2005 (London Gazette, 18 February 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 16) Scheme 2005 (London Gazette, 1 April 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 17) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 18) Scheme 2005 (London Gazette, 21 July 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 19) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 20) Scheme 2006 (London Gazette, 21 April 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 21) Scheme 2006 (London Gazette, 9 June 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 22) Scheme 2006 (London Gazette, 28 July 2006); the Royal Mail Group plc Inland Letter Post Scheme (Amendment No 23) 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Inland Letter Post Scheme (Amendment No 24) 2008 (London Gazette, 14 March 2008); the Royal Mail Group Ltd Inland Letter Post Scheme (Amendment No 25) 2008 (London Gazette, 29 July 2008) (consolidated version); the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 26) 2009 (London Gazette, 27 March 2009); the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 27) 2009 (London Gazette, 16 October 2009); and the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 28) 2010 (London Gazette, 29 January 2010).

The Successor Postal Services Company Inland Letter Post Scheme 2001 sets out the conditions of the Royal Mail Group plc (ie the successor postal services company: see PARA 3) for (1) accepting a letter posted in the United Kingdom for delivery to an address in the United Kingdom, the Channel Islands or the Isle of Man; (2) accepting a letter sent from the Channel Islands or the Isle of Man for delivery to an address in the United Kingdom; and (3) providing other services in connection with Inland letter post and letter post sent between the United Kingdom and the Channel Islands or the Isle of Man: para 1.1.

The Post Office Inland Parcel Post Scheme 1989 is replaced by the Post Office Inland Parcel Post Scheme 2000 (London Gazette, 20 April 2000), which has been renamed the Successor Postal Services Company Inland Parcel Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Inland Parcel Post Scheme 2001 has been amended by the Consignia plc Inland Parcel Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Inland Parcel Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Inland Parcel Post (Amendment No 3) Scheme 2002 (London Gazette, 22 March 2002); the Consignia plc Inland Parcel Post (Amendment No 4) Scheme 2002 (London Gazette, 28 June 2002);

the Royal Mail Group plc Inland Parcel Post (Amendment No 5) Scheme 2003 (London Gazette, 16 May 2003); the Royal Mail Group plc Inland Parcel Post (Amendment No 6) Scheme 2003 (London Gazette, 5 December 2003); the Royal Mail Group plc Inland Parcel Post (Amendment No 7) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Inland Parcel Post (Amendment No 8) Scheme 2004 (London Gazette, 28 May 2004); the Royal Mail Group plc Inland Parcel Post (Amendment No 9) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Inland Parcel Post (Amendment No 10) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Inland Parcel Post (Amendment No 11) Scheme 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 12) Scheme 2008 (London Gazette, 31 March 2008); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 13) Scheme 2008 (London Gazette, 2 June 2008); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 14) Scheme 2008 (London Gazette, 25 July 2008) (consolidated version); and the Royal Mail Group Ltd Inland Parcel Post (Amendment No 15) Scheme 2010 (London Gazette, 29 January 2010).

106 Undeliverable packets other than parcels

NOTES--Post Office Inland Letter Post Scheme 1989 para 15(1) now Successor Postal Services Company Inland Letter Post Scheme 2001 para 8.3-8.6 (amended by the Royal Mail Group plc Inland Letter Post (Amendment No 5) Scheme 2002 (London Gazette, 17 January 2003), and the Royal Mail Group plc Inland Letter Post (Amendment No 12) Scheme 2004 (London Gazette, 8 October 2004)).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(4) THE INLAND POST/(i) General Conditions/107. Return of undeliverable parcels.

107. Return of undeliverable parcels.

A parcel¹ which for any reason cannot be delivered, or which, being addressed to a place outside the limits of the postal delivery area of any town or district or to a ship in a port in the British postal area², is not called for or delivered within such time as the Post Office considers reasonable, must be retained at, or forwarded to such place as the Post Office may appoint and may, if necessary the parcel may be opened and examined³. Where the name and address of the sender can be ascertained from the parcel, it must be returned to the sender and charged with such an amount as the Post Office may determine⁴. If the sender's name and address cannot be ascertained, the parcel must be retained for such time as the Post Office thinks fit to await a claim from the sender or addressee⁵. The Post Office may require proof to its satisfaction that the claimant is entitled to receive it as, or as the agent of, the sender or addressee⁶.

Any parcel in the possession of the Post Office which becomes or is likely to become offensive or injurious to any person or to other parcels, or to become valueless before it can be delivered or returned, may be dealt with or disposed of in such manner as the Post Office thinks fit⁷.

1 For the meaning of 'parcel' see PARA 95 note 4 ante.

2 For the meaning of 'British postal area' see PARA 95 note 3 ante.

3 Post Office Inland Parcel Post Scheme 1989 para 15(1). As to the scheme see PARA 95 ante; and as to schemes generally see PARA 83 ante.

4 Ibid para 15(2). Where a parcel has been returned, and the sender has refused it or failed to pay any customs duty or charge or the postage, it may be dealt with or disposed of in such manner as the Post Office thinks fit: para 15(6), (8)(b). As to customs duty or charges see the Post Office Act 1953 s 16 (as amended); and PARAS 164-165 post.

5 Post Office Inland Parcel Post Scheme 1989 para 15(3). If no claim is made within that period by a person who appears to the Post Office to be entitled to receive the parcel, or the claimant refuses or fails to pay any customs duty or charges on the parcel, the parcel may be dealt with or disposed of in such manner as the Post Office thinks fit: para 15(6), (8)(a).

6 Ibid para 15(7).

7 Ibid para 15(9).

UPDATE

95-120 The Inland Post

The Post Office Inland Letter Post Scheme 1989 replaced by the Post Office Inland Letter Post Scheme 2000 (London Gazette, 20 April 2000). 2000 Scheme renamed the Successor Postal Services Company Inland Letter Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Inland Letter Post Scheme 2001 has been amended by the Consignia plc Inland Letter Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Inland Letter Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Inland Letter Post (Amendment No 3) Scheme 2001 (London Gazette, 23 November 2001); the Consignia plc Inland Letter Post (Amendment No 4) Scheme 2002 (London Gazette, 28 June 2002); the Royal Mail Group plc Inland Letter Post (Amendment No 5) Scheme 2003 (London Gazette, 17 January 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 6) Scheme 2003 (London Gazette, 2 May 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 7) Scheme 2003 (London Gazette, 21 November 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 8) Scheme 2003 (London Gazette, 24 December 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 9) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 10) Scheme 2004 (London Gazette, 16 April 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 11) Scheme 2004 (London Gazette, 24 September 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 12) Scheme 2004 (London Gazette, 8 October 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 13) Scheme 2004 (London Gazette, 22 October 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 14) Scheme 2004 (London Gazette, 17 December 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 15) Scheme 2005 (London Gazette, 18 February 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 16) Scheme 2005 (London Gazette, 1 April 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 17) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 18) Scheme 2005 (London Gazette, 21 July 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 19) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 20) Scheme 2006 (London Gazette, 21 April 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 21) Scheme 2006 (London Gazette, 9 June 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 22) Scheme 2006 (London Gazette, 28 July 2006); the Royal Mail Group plc Inland Letter Post Scheme (Amendment No 23) 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Inland Letter Post Scheme (Amendment No 24) 2008 (London Gazette, 14 March 2008); the Royal Mail

Group Ltd Inland Letter Post Scheme (Amendment No 25) 2008 (London Gazette, 29 July 2008) (consolidated version); the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 26) 2009 (London Gazette, 27 March 2009); the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 27) 2009 (London Gazette, 16 October 2009); and the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 28) 2010 (London Gazette, 29 January 2010).

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Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(4) THE INLAND POST/(i) General Conditions/108. Packets addressed to deceased persons.

108. Packets addressed to deceased persons.

Where the Post Office is satisfied that the addressee of postal packets¹ is dead, it may, at its discretion, (1) deliver or redirect them on the written application of any of the executors named in his will or of any person appearing to the Post Office to be entitled to take out letters of administration to his estate² or to be conducting his affairs³; or (2) retain the packets for such period as it thinks fit and, on production of probate or letters of administration and the written

application of one or more of the executors or administrators, deliver or redirect the packets in accordance with the application⁴; or (3) treat the packets as undeliverable⁵. Charges are payable for redirection of the packets⁶.

1 For the meaning of 'postal packet' see PARA 95 note 4 ante.

2 Post Office Inland Letter Post Scheme 1989 para 16(1)(a); Post Office Inland Parcel Post Scheme 1989 para 16(1)(a). As to the schemes see PARA 95 ante; and as to schemes generally see PARA 83 ante. As to executors and administrators generally see EXECUTORS AND ADMINISTRATORS.

3 Post Office Inland Letter Post Scheme 1989 para 16(1)(b); Post Office Inland Parcel Post Scheme 1989 para 16(1)(b).

4 Post Office Inland Letter Post Scheme 1989 para 16(1)(c); Post Office Inland Parcel Post Scheme 1989 para 16(1)(c).

5 Post Office Inland Letter Post Scheme 1989 para 16(1)(d); Post Office Inland Parcel Post Scheme 1989 para 16(1)(d).

6 See the Post Office Inland Letter Post Scheme 1989 para 16(3), Sch 3 item 9 (amended by the Post Office Inland Letter Post Amendment (No 2) Scheme 1991; the Post Office Inland Letter Post Amendment (No 8) Scheme 1996; and the Post Office Inland Letter Post Amendment (No 10) Scheme 1997); Post Office Inland Parcel Post Scheme 1989 para 16(2), Sch 3 item 4 (amended by the Post Office Inland Parcel Post Amendment (No 5) Scheme 1993; and the Post Office Inland Parcel Post Amendment (No 11) Scheme 1999)).

UPDATE

95-120 The Inland Post

The Post Office Inland Letter Post Scheme 1989 replaced by the Post Office Inland Letter Post Scheme 2000 (London Gazette, 20 April 2000). 2000 Scheme renamed the Successor Postal Services Company Inland Letter Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Inland Letter Post Scheme 2001 has been amended by the Consignia plc Inland Letter Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Inland Letter Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Inland Letter Post (Amendment No 3) Scheme 2001 (London Gazette, 23 November 2001); the Consignia plc Inland Letter Post (Amendment No 4) Scheme 2002 (London Gazette, 28 June 2002); the Royal Mail Group plc Inland Letter Post (Amendment No 5) Scheme 2003 (London Gazette, 17 January 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 6) Scheme 2003 (London Gazette, 2 May 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 7) Scheme 2003 (London Gazette, 21 November 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 8) Scheme 2003 (London Gazette, 24 December 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 9) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 10) Scheme 2004 (London Gazette, 16 April 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 11) Scheme 2004 (London Gazette, 24 September 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 12) Scheme 2004 (London Gazette, 8 October 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 13) Scheme 2004 (London Gazette, 22 October 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 14) Scheme 2004 (London Gazette, 17 December 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 15) Scheme 2005 (London Gazette, 18 February 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 16) Scheme 2005 (London Gazette, 1 April 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 17) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 18) Scheme 2005 (London Gazette, 21 July 2005); the Royal Mail

Group plc Inland Letter Post (Amendment No 19) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 20) Scheme 2006 (London Gazette, 21 April 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 21) Scheme 2006 (London Gazette, 9 June 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 22) Scheme 2006 (London Gazette, 28 July 2006); the Royal Mail Group plc Inland Letter Post Scheme (Amendment No 23) 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Inland Letter Post Scheme (Amendment No 24) 2008 (London Gazette, 14 March 2008); the Royal Mail Group Ltd Inland Letter Post Scheme (Amendment No 25) 2008 (London Gazette, 29 July 2008) (consolidated version); the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 26) 2009 (London Gazette, 27 March 2009); the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 27) 2009 (London Gazette, 16 October 2009); and the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 28) 2010 (London Gazette, 29 January 2010).

The Successor Postal Services Company Inland Letter Post Scheme 2001 sets out the conditions of the Royal Mail Group plc (ie the successor postal services company: see PARA 3) for (1) accepting a letter posted in the United Kingdom for delivery to an address in the United Kingdom, the Channel Islands or the Isle of Man; (2) accepting a letter sent from the Channel Islands or the Isle of Man for delivery to an address in the United Kingdom; and (3) providing other services in connection with Inland letter post and letter post sent between the United Kingdom and the Channel Islands or the Isle of Man: para 1.1.

The Post Office Inland Parcel Post Scheme 1989 is replaced by the Post Office Inland Parcel Post Scheme 2000 (London Gazette, 20 April 2000), which has been renamed the Successor Postal Services Company Inland Parcel Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Inland Parcel Post Scheme 2001 has been amended by the Consignia plc Inland Parcel Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Inland Parcel Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Inland Parcel Post (Amendment No 3) Scheme 2002 (London Gazette, 22 March 2002); the Consignia plc Inland Parcel Post (Amendment No 4) Scheme 2002 (London Gazette, 28 June 2002); the Royal Mail Group plc Inland Parcel Post (Amendment No 5) Scheme 2003 (London Gazette, 16 May 2003); the Royal Mail Group plc Inland Parcel Post (Amendment No 6) Scheme 2003 (London Gazette, 5 December 2003); the Royal Mail Group plc Inland Parcel Post (Amendment No 7) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Inland Parcel Post (Amendment No 8) Scheme 2004 (London Gazette, 28 May 2004); the Royal Mail Group plc Inland Parcel Post (Amendment No 9) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Inland Parcel Post (Amendment No 10) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Inland Parcel Post (Amendment No 11) Scheme 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 12) Scheme 2008 (London Gazette, 31 March 2008); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 13) Scheme 2008 (London Gazette, 2 June 2008); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 14) Scheme 2008 (London Gazette, 25 July 2008) (consolidated version); and the Royal Mail Group Ltd Inland Parcel Post (Amendment No 15) Scheme 2010 (London Gazette, 29 January 2010).

108 Packets addressed to deceased persons

TEXT AND NOTES 1-5--Post Office Inland Letter Post Scheme 1989 para 16(1) now Successor Postal Services Company Inland Letter Post Scheme 2001 paras 8.3, 34.2 (para 8.3 substituted by the Royal Mail Group plc Inland Letter Post (Amendment No 5) Scheme 2002 (London Gazette, 17 January 2003)).

NOTE 6--See now the Successor Postal Services Company Inland Letter Post Scheme 2001 para 11.1, Sch 1 para 16 (Sch 1 para 16 substituted by the Royal Mail Group plc Inland Parcel Post (Amendment No 19) Scheme 2006 (London Gazette, 24 March 2006); substituted by the Royal Mail Group plc Inland Parcel Post Scheme (Amendment No 23) 2007 (London Gazette, 16 March 2007)).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(4) THE INLAND POST/(ii) Conditions relating to Particular Classes of Postal Packets and Special Facilities/109. First and second class letters.

(ii) Conditions relating to Particular Classes of Postal Packets and Special Facilities

109. First and second class letters.

'First class letter' means: (1) a letter¹ on which there is denoted prepayment of postage at the rate appropriate for its transmission as a first class letter²; (2) a letter on which postage has not been prepaid and with respect to which the Post Office has entered into an arrangement with the sender for the grant of credit facilities and which is distinguished or marked in such manner as the Post Office may direct to indicate the intention of the sender that it is to be transmitted as a first class letter³; (3) a business reply packet⁴ which is distinguished or marked in such manner as the Post Office may direct to indicate that it is intended to be transmitted as a first class letter⁵.

Any letter which is not a first class letter is a 'second class letter'⁶ and, as such, may be withheld from dispatch or delivery until any subsequent dispatch or delivery⁷.

1 'Letter' means any postal packet (see PARA 95 note 4 ante), except a packet consisting of articles for the blind (see PARA 111 post), a current registered newspaper (see PARA 110 note 12 post), an unaddressed packet (see PARA 96 note 2 post), or a petition or address of a kind referred to in the Post Office Act 1969 s 84(1) (as amended) (see PARA 171 post): Post Office Inland Letter Post Scheme 1989 para 3(1). As to the scheme see PARA 95 ante; and as to schemes generally see PARA 83 ante.

2 Ibid para 3(1). As to the manner in which prepayment may be denoted see PARA 11(3) (see PARA 102 ante), and as to the appropriate rate see Sch 1 (see PARA 101 ante).

3 Ibid para 3(1).

4 For the meaning of 'business reply packet' see PARA 112 note 1 post.

5 Post Office Inland Letter Post Scheme 1989 para 3(1).

6 Ibid para 3(1).

7 Ibid para 18.

UPDATE

95-120 The Inland Post

The Post Office Inland Letter Post Scheme 1989 replaced by the Post Office Inland Letter Post Scheme 2000 (London Gazette, 20 April 2000). 2000 Scheme renamed the Successor Postal Services Company Inland Letter Post Scheme 2001: SI 2001/1148.

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The Post Office Inland Parcel Post Scheme 1989 is replaced by the Post Office Inland Parcel Post Scheme 2000 (London Gazette, 20 April 2000), which has been renamed the Successor Postal Services Company Inland Parcel Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Inland Parcel Post Scheme 2001 has been amended by the Consignia plc Inland Parcel Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Inland Parcel Post (Amendment No

2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Inland Parcel Post (Amendment No 3) Scheme 2002 (London Gazette, 22 March 2002); the Consignia plc Inland Parcel Post (Amendment No 4) Scheme 2002 (London Gazette, 28 June 2002); the Royal Mail Group plc Inland Parcel Post (Amendment No 5) Scheme 2003 (London Gazette, 16 May 2003); the Royal Mail Group plc Inland Parcel Post (Amendment No 6) Scheme 2003 (London Gazette, 5 December 2003); the Royal Mail Group plc Inland Parcel Post (Amendment No 7) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Inland Parcel Post (Amendment No 8) Scheme 2004 (London Gazette, 28 May 2004); the Royal Mail Group plc Inland Parcel Post (Amendment No 9) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Inland Parcel Post (Amendment No 10) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Inland Parcel Post (Amendment No 11) Scheme 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 12) Scheme 2008 (London Gazette, 31 March 2008); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 13) Scheme 2008 (London Gazette, 2 June 2008); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 14) Scheme 2008 (London Gazette, 25 July 2008) (consolidated version); and the Royal Mail Group Ltd Inland Parcel Post (Amendment No 15) Scheme 2010 (London Gazette, 29 January 2010).

109 First and second class letters

TEXT AND NOTES--Post Office Inland Letter Post Scheme 1989 paras 3, 18 now Successor Postal Services Company Inland Letter Post Scheme 2001 para 5.

NOTE 1--In Successor Postal Services Company Inland Letter Post Scheme 2001 'letter' means any postal packet other than a postal packet posted, conveyed, delivered or otherwise dealt with using a parcel service: Sch 2.

TEXT AND NOTES 4, 5--Head (3) omitted from Successor Postal Services Company Inland Letter Post Scheme 2001 para 5 (see TEXT AND NOTES).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(4) THE INLAND POST/(ii) Conditions relating to Particular Classes of Postal Packets and Special Facilities/110. Registration of newspapers.

110. Registration of newspapers.

The proprietor or printer of a publication may register the publication in a register of newspapers kept by the Post Office¹. Among the conditions of registration are: (1) that not less than one-third of the publication must consist of political or other news or of articles relating to such news or to other current topics²; (2) that it is printed or reproduced and also published in the British postal area³, the Channel Islands, the Isle of Man or in some other part of the Commonwealth, or in any state which is a member of the European Community⁴, (3) that it is published in numbers at intervals of not more than seven days⁵; (5) that the full title and date of publication are printed prominently on the first page, the whole or part of the title and the date of publication are printed on every detached sheet, and the words 'Registered as a newspaper at the Post Office' are printed on it⁶; and (6) it is available to the public from a newsagent or the publisher⁷.

Any registration must be for a period of 12 months commencing on such date in each year as the Post Office may direct, and a registration fee of £7 is payable⁸.

A publication for the time being on the register is a registered newspaper for the purposes of Post Office schemes⁹ and is a newspaper for the purposes of any arrangement with the government or postal administration of any other country which secures advantages for newspapers sent by post¹⁰.

Subject to certain conditions¹¹ a current registered newspaper¹² may be posted in the inland post at a special rate¹³.

1 Post Office Inland Letter Post Scheme 1989 para 19(1). As to the scheme see PARA 95 ante; and as to schemes generally see PARA 83 ante. As to the registration of newspapers generally see PRESS, PRINTING AND PUBLISHING vol 36(2) (Reissue) PARAS 446-451 post.

2 Ibid para 19(6)(a). A publication which was stamped as a newspaper before 15 June 1855 need not comply with this condition: para 19(7).

3 For the meaning of 'British postal area' see PARA 95 note 3 ante.

4 Post Office Inland Letter Post Scheme 1989 para 19(6)(c).

5 Ibid para 19(6)(d).

6 Ibid para 19(6)(e).

7 Ibid para 19(6)(f) (added by the Post Office Inland Letter Post Amendment (No 8) Scheme 1996).

8 See Post Office Inland Letter Post Scheme 1989 para 19(2) (amended by the Post Office Inland Letter Post Amendment (No 8) Scheme 1996).

9 Ie any scheme made under the Post Office Act 1969 s 28 (as amended): see PARA 83 ante.

10 Post Office Inland Letter Post Scheme 1989 para 19(4).

11 See ibid para 20.

12 'Current registered newspaper' means a complete published copy of a current issue of a registered newspaper in course of distribution (with or without a complete copy of a supplement published with it), or a packet of two or more of them: ibid para 3(1). 'Registered newspaper' means a publication which is a registered newspaper by virtue of the Post Office Inland Letter Post Scheme 1989 para 19(4): para 3(1). For the meaning of 'supplement' see PARA 19(8).

13 Ibid para 5(1), Sch 1 item 2 (Sch 1 substituted by the Post Office Inland Letter Post Amendment (No 12) Scheme 1999).

UPDATE

95-120 The Inland Post

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110 Registration of newspapers

TEXT AND NOTES--The Newspapers Registration Service has been withdrawn: see the Successor Postal Services Company Inland Letter Post Scheme 2001 (amended by the Royal Mail Group plc Inland Letter Post (Amendment No 11) Scheme 2004 (London Gazette, 24 September 2004)).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(4) THE INLAND POST/(ii) Conditions relating to Particular Classes of Postal Packets and Special Facilities/111. Articles for the blind.

111. Articles for the blind.

'Articles for the blind' means books, papers and letters¹ to or from blind persons² impressed or otherwise prepared for the use of the blind³, papers sent to any person for impressing or otherwise preparing for that purpose⁴, and certain articles specially adapted for the use of the blind⁵. Subject to certain conditions⁶, articles for the blind may be sent free of postage⁷.

1 For the meaning of 'letter' see PARA 109 note 1 ante.

2 'Blind person' means a person registered as blind with the local authority under the provisions of the National Assistance Act 1948, and a person whose standard of close-up vision with the aid of spectacles is N12 or less who is not registered as blind: Post Office Inland Letter Post Scheme 1989 para 21(3). As to the relevant provisions of the National Assistance Act 1948 see SOCIAL SERVICES AND COMMUNITY CARE vol 44(2) (Reissue) PARA 1021.

3 Ibid para 21(1)(i). As to the scheme see PARA 95 ante; and as to schemes generally see PARA 83 ante.

4 Ibid para 21(1)(ii).

5 See ibid para 21(1)(iii)-(xv).

6 See ibid para 21(2).

7 Ibid para 5(1) Sch 1 item 3 (Sch 1 substituted by the Post Office Inland Letter Post Amendment (No 12 Scheme 1999)).

UPDATE

95-120 The Inland Post

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111 Articles for the blind

NOTES--Post Office Inland Letter Post Scheme 1989 para 5(1), Sch 1 item 2 and para 21 now Successor Postal Services Company Inland Letter Post Scheme 2001 para 21 (amended by the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 28) 2010 (London Gazette, 29 January 2010)).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(4) THE INLAND POST/(ii) Conditions relating to Particular Classes of Postal Packets and Special Facilities/112. Response services.

112. Response services.

A person who proposes to invite others to post business reply packets¹ or freepost packets² or both to him or to his agent may apply to the Post Office for a licence authorising the posting of business reply and freepost packets to an address of the applicant or of his agent, being an address within the British postal area³, without prepayment of postage, the provision by the applicant and the use for that purpose of the necessary cards, folders, letter cards, envelopes or labels⁴.

The licensee is liable to pay the postage on all such packets so posted and received⁵. Any such licence may authorise more than one address to which packets may be posted⁶. An annual licence fee is payable for each authorised address or delivery point⁷. A licence in respect of freepost packets must specify the terms in which such packets are to be addressed, and such terms must include the word 'FREEPOST' and/or such distinguishing characters, if any, as the Post Office may allocate⁸.

Subject as may be provided by the relevant response services licence, no card, folder, letter card, envelope, wrapper or label may be made available by the licensee for use by any person as or with a business reply or freepost packet unless: (1) it has printed thereon in an approved position and manner distinguishing characters, if any, allocated by the Post Office and an address specified in the relevant licence; and (2) it meets the prescribed specifications and is

similar in all respects to a specimen thereof which has been submitted to and approved by the Post Office⁹.

There are certain territorial limitations on these services with regard to the Isle of Man and the Channel Islands¹⁰.

1 'Business reply packet' means a letter which, by authority of the Post Office, may be posted without prepayment of postage to an address of, or of the agent of, a person who has made provision to the satisfaction of the Post Office for the payment of the appropriate postage on letters so posted which are received by him or by such agent, being a letter which: (1) consists of or is enclosed in an authorised card, folder, letter card or envelope, provided by the person who has made provision for the payment of postage, on which are printed the address and special distinguishing characters allocated for the purpose by the Post Office; or (2) has affixed thereon a label, provided by that person with such authority on which are printed the address and distinguishing characters: Post Office Inland Letter Post Scheme 1989 para 3(1) (amended by the Post Office Inland Letter Post Amendment (No 8) Scheme 1996). As to the scheme see PARA 95 ante; and as to schemes generally see PARA 83 ante. For the meaning of 'letter' see PARA 109 note 1 ante.

2 'Freepost packet' means a letter, not being a business reply packet, which, by authority of the Post Office, may be posted without payment of postage, and which: (1) is addressed to, or to the agent of, a person who has made provision to the satisfaction of the Post Office for the payment of the appropriate postage on letters which are posted without prepayment of postage and are received by him or by such agent, and (2) is so addressed in special terms authorised by the Post Office incorporating the word 'FREEPOST' and such other distinguishing characters as the Post Office may deem necessary: Post Office Inland Letter Post Scheme 1989 para 3(1). The distinguishing feature of a freepost packet is that no specially printed envelopes, cards or labels are required.

3 For the meaning of 'British postal area' see PARA 95 note 3 ante.

4 Post Office Inland Letter Post Scheme 1989 para 26(1) (para 26 substituted by the Post Office Inland Letter Post Amendment (No 3) Scheme 1992). As to response services with Special Delivery see PARA 116 text and note 6 post.

5 Post Office Inland Letter Post Scheme 1989 para 26(8) (as substituted: see note 4 supra). Every response service licence must require the licensee to make from time to time deposits or other payments in advance with respect to the payment of the postage: see PARA 26(7) (as so substituted).

6 See ibid para 26(3) (as substituted: see note 4 supra).

7 See ibid para 26(9) (as substituted (see note 4 supra); and further amended by the Post Office Inland Letter Post Amendment (No 10) Scheme 1997), Post Office Inland Letter Post Scheme 1989 Sch 3 item 1 (substituted by the Post Office Inland Letter Post Amendment (No 10) Scheme 1997).

8 See Post Office Inland Letter Post Scheme 1989 para 26(4) (as substituted (see note 4 supra); and further amended by the Post Office Inland Letter Post Amendment (No 10) Scheme 1997).

9 Post Office Inland Letter Post Scheme 1989 para 26(6) (as substituted: see note 4 supra).

10 Packets may not be transmitted between the United Kingdom and the Isle of Man as freepost packets: Post Office Inland Letter Post Scheme 1989 para 47. As to business reply packets to and from the Isle of Man see PARA 50; and as to business reply packets and freepost packets to and from the Channel Islands see ibid para 49 (amended by the Post Office Inland Letter Post Amendment (No 3) Scheme 1992). For the meaning of 'United Kingdom' see PARA 18 note 1 ante.

UPDATE

95-120 The Inland Post

The Post Office Inland Letter Post Scheme 1989 replaced by the Post Office Inland Letter Post Scheme 2000 (London Gazette, 20 April 2000). 2000 Scheme renamed the Successor Postal Services Company Inland Letter Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Inland Letter Post Scheme 2001 has been amended by the Consignia plc Inland Letter Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Inland Letter Post (Amendment No

2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Inland Letter Post (Amendment No 3) Scheme 2001 (London Gazette, 23 November 2001); the Consignia plc Inland Letter Post (Amendment No 4) Scheme 2002 (London Gazette, 28 June 2002); the Royal Mail Group plc Inland Letter Post (Amendment No 5) Scheme 2003 (London Gazette, 17 January 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 6) Scheme 2003 (London Gazette, 2 May 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 7) Scheme 2003 (London Gazette, 21 November 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 8) Scheme 2003 (London Gazette, 24 December 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 9) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 10) Scheme 2004 (London Gazette, 16 April 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 11) Scheme 2004 (London Gazette, 24 September 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 12) Scheme 2004 (London Gazette, 8 October 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 13) Scheme 2004 (London Gazette, 22 October 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 14) Scheme 2004 (London Gazette, 17 December 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 15) Scheme 2005 (London Gazette, 18 February 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 16) Scheme 2005 (London Gazette, 1 April 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 17) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 18) Scheme 2005 (London Gazette, 21 July 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 19) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 20) Scheme 2006 (London Gazette, 21 April 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 21) Scheme 2006 (London Gazette, 9 June 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 22) Scheme 2006 (London Gazette, 28 July 2006); the Royal Mail Group plc Inland Letter Post Scheme (Amendment No 23) 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Inland Letter Post Scheme (Amendment No 24) 2008 (London Gazette, 14 March 2008); the Royal Mail Group Ltd Inland Letter Post Scheme (Amendment No 25) 2008 (London Gazette, 29 July 2008) (consolidated version); the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 26) 2009 (London Gazette, 27 March 2009); the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 27) 2009 (London Gazette, 16 October 2009); and the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 28) 2010 (London Gazette, 29 January 2010).

The Successor Postal Services Company Inland Letter Post Scheme 2001 sets out the conditions of the Royal Mail Group plc (ie the successor postal services company: see PARA 3) for (1) accepting a letter posted in the United Kingdom for delivery to an address in the United Kingdom, the Channel Islands or the Isle of Man; (2) accepting a letter sent from the Channel Islands or the Isle of Man for delivery to an address in the United Kingdom; and (3) providing other services in connection with Inland letter post and letter post sent between the United Kingdom and the Channel Islands or the Isle of Man: para 1.1.

The Post Office Inland Parcel Post Scheme 1989 is replaced by the Post Office Inland Parcel Post Scheme 2000 (London Gazette, 20 April 2000), which has been renamed the Successor Postal Services Company Inland Parcel Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Inland Parcel Post Scheme 2001 has been amended by the Consignia plc Inland Parcel Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Inland Parcel Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Inland Parcel Post (Amendment No 3) Scheme 2002 (London Gazette, 22 March 2002); the Consignia plc Inland Parcel Post (Amendment No 4) Scheme 2002 (London Gazette, 28 June 2002);

the Royal Mail Group plc Inland Parcel Post (Amendment No 5) Scheme 2003 (London Gazette, 16 May 2003); the Royal Mail Group plc Inland Parcel Post (Amendment No 6) Scheme 2003 (London Gazette, 5 December 2003); the Royal Mail Group plc Inland Parcel Post (Amendment No 7) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Inland Parcel Post (Amendment No 8) Scheme 2004 (London Gazette, 28 May 2004); the Royal Mail Group plc Inland Parcel Post (Amendment No 9) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Inland Parcel Post (Amendment No 10) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Inland Parcel Post (Amendment No 11) Scheme 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 12) Scheme 2008 (London Gazette, 31 March 2008); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 13) Scheme 2008 (London Gazette, 2 June 2008); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 14) Scheme 2008 (London Gazette, 25 July 2008) (consolidated version); and the Royal Mail Group Ltd Inland Parcel Post (Amendment No 15) Scheme 2010 (London Gazette, 29 January 2010).

112 Response services

NOTES 1-9--Post Office Inland Letter Post Scheme 1989 paras 3(1), 26 now Successor Postal Services Company Inland Letter Post Scheme 2001 para 38.

NOTE 10--Post Office Inland Letter Post Scheme 1989 paras 47, 49, 50 now Successor Postal Services Company Inland Letter Post Scheme 2001 paras 47-49.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(4) THE INLAND POST/(ii) Conditions relating to Particular Classes of Postal Packets and Special Facilities/113. Redirection of mail by the Post Office.

113. Redirection of mail by the Post Office.

Upon payment of the requisite fee, the Post Office will redirect postal packets¹ on the application of the addressee from the original address to another address of the same addressee².

A social security authority³ may require the Post Office or any other person who conveys postal packets⁴ to return to the sender social security post⁵ sent by or on behalf of the authority which would otherwise be redirected⁶. The authority must make payments of such amount as the Secretary of State considers reasonable in respect of the return of such post⁷.

The Secretary of State may require the Post Office or any other person who conveys postal packets to supply information relating to arrangements for the redirection of postal packets to, or to a person supplying services to, the Secretary of State, for use in the prevention, detection, investigation or prosecution of offences relating to social security, or for use in checking the accuracy of information relating to benefits, contributions or any other matter relating to social security and amending or supplementing such information⁸. A local or other authority administering housing benefit or council tax benefit may require the Post Office or any other person conveying postal packets to supply information relating to arrangements for the redirection of postal packets to the authority, or to a person authorised to exercise any function of the authority relating to housing benefit or council tax benefit, for use in the prevention, detection, investigation or prosecution of offences relating to such a benefit, or for use in checking the accuracy of information relating to such a benefit and amending or supplementing such information⁹. Such information must be supplied in such manner and form,

and in accordance with such requirements, as may be prescribed¹⁰. Payments of such amount as the Secretary of State considers reasonable must be made by a person or authority imposing a requirement to supply such information¹¹.

1 For the meaning of 'postal packet' see PARA 95 note 4 ante.

2 Post Office Inland Letter Post Scheme 1989 Sch 3 item 9 (amended by the Post Office Inland Letter Post Amendment (No 2) Scheme 1991; and the Post Office Inland Letter Post Amendment (No 8) Scheme 1996). This provision also applies specifically to parcels: Post Office Inland Parcel Post Scheme 1989 Sch 3 item 4 (amended by the Post Office Inland Parcel Post Amendment (No 5) Scheme 1993; and the Post Office Inland Parcel Post Amendment (No 11) Scheme 1999)). For the meaning of 'parcel' see PARA 95 note 4 ante. As to the schemes see PARA 95 ante; as to schemes generally see PARA 95 ante.

As to court orders for redirection on bankruptcy or on application of the Law Society or the Council for Licensed Conveyancers see PARA 91 ante.

3 'Social security authority' means the Secretary of State or any local or other authority administering housing benefit or council tax benefit: Social Security Administration Act 1992 s 182A(3) (s 182A added by the Social Security Administration (Fraud) Act 1997 s 20(1)). As to the Secretary of State see PARA 1 note 6 ante.

4 'Postal packet' has the same meaning as in the Post Office Act 1953 (see PARA 88 note 2 ante): Social Security Administration Act 1992 s 182A(5) (as added: see note 3 supra).

5 'Social security post' means postal packets the contents of which relate to any benefit, contributions or national insurance number or to any other matter relating to social security and which are marked, in a manner approved by the Post Office or other person conveying them, with the name and address of the sender and with an indication that they are to be returned rather than redirected: ibid s 182A(4) (as added: see note 3 supra).

6 Social Security Administration Act 1992 s 182A(1) (as added: see note 3 supra). 'Redirected' means delivered to an address other than that indicated by the sender on the postal packet: s 182A(5) (as so added). This provision is subject to any court orders of the type referred to in note 2 supra: s 182A(6) (as so added).

7 Social Security Administration Act 1992 s 182A(2) (as added: see note 3 supra).

8 Ibid s 182B(1) (s 182B added by the Social Security Administration (Fraud) Act 1997 s 22, Sch 1 para 9).

9 Social Security Administration Act 1992 s 182B(2) (as added: see note 8 supra).

10 Ibid s 182B(3) (as added: see note 8 supra).

11 Ibid s 182B(4) (as added: see note 8 supra). Information must not be supplied under s 182B(1) (as added) or (2) (as added) to any other person or body unless it could be supplied to that person or body under either of those provisions, or it is supplied for the purposes of any civil or criminal proceedings relating to the Social Security Contributions and Benefits Act 1992, the Jobseekers Act 1995 or the Social Security Administration Act 1992: s 182B(5) (as so added). Where information supplied has been used in amending or supplementing other information, it is lawful for it to be supplied to any other person or body to whom that other information could be supplied, or used for any purpose for which that other information could be used: s 182B(6) (as so added).

UPDATE

95-120 The Inland Post

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2002); the Royal Mail Group plc Inland Letter Post (Amendment No 5) Scheme 2003 (London Gazette, 17 January 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 6) Scheme 2003 (London Gazette, 2 May 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 7) Scheme 2003 (London Gazette, 21 November 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 8) Scheme 2003 (London Gazette, 24 December 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 9) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 10) Scheme 2004 (London Gazette, 16 April 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 11) Scheme 2004 (London Gazette, 24 September 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 12) Scheme 2004 (London Gazette, 8 October 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 13) Scheme 2004 (London Gazette, 22 October 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 14) Scheme 2004 (London Gazette, 17 December 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 15) Scheme 2005 (London Gazette, 18 February 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 16) Scheme 2005 (London Gazette, 1 April 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 17) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 18) Scheme 2005 (London Gazette, 21 July 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 19) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 20) Scheme 2006 (London Gazette, 21 April 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 21) Scheme 2006 (London Gazette, 9 June 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 22) Scheme 2006 (London Gazette, 28 July 2006); the Royal Mail Group plc Inland Letter Post Scheme (Amendment No 23) 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Inland Letter Post Scheme (Amendment No 24) 2008 (London Gazette, 14 March 2008); the Royal Mail Group Ltd Inland Letter Post Scheme (Amendment No 25) 2008 (London Gazette, 29 July 2008) (consolidated version); the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 26) 2009 (London Gazette, 27 March 2009); the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 27) 2009 (London Gazette, 16 October 2009); and the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 28) 2010 (London Gazette, 29 January 2010).

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Parcel Post (Amendment No 7) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Inland Parcel Post (Amendment No 8) Scheme 2004 (London Gazette, 28 May 2004); the Royal Mail Group plc Inland Parcel Post (Amendment No 9) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Inland Parcel Post (Amendment No 10) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Inland Parcel Post (Amendment No 11) Scheme 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 12) Scheme 2008 (London Gazette, 31 March 2008); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 13) Scheme 2008 (London Gazette, 2 June 2008); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 14) Scheme 2008 (London Gazette, 25 July 2008) (consolidated version); and the Royal Mail Group Ltd Inland Parcel Post (Amendment No 15) Scheme 2010 (London Gazette, 29 January 2010).

113 Redirection of mail by the Post Office

NOTE 2--Post Office Inland Letter Post Scheme 1989 Sch 3 item 9 now Successor Postal Services Company Inland Letter Post Scheme 2001 para 34.

TEXT AND NOTES 4-9--For 'the Post Office or any other person who conveys postal packets' (in each place) read 'a postal operator': Social Security Administration Act 1992 ss 182A(1), 182B(1), (2) (amended by the Postal Services Act 2000 (Consequential Modifications No 1) Order 2001, SI 2001/1149). For the meaning of 'postal operator' see PARA 10B NOTE 5.

NOTE 5--For 'Post Office or other person conveying them' read 'postal operator concerned': Social Security Administration Act 1992 s 182A(4); SI 2001/1149.

TEXT AND NOTE 9--In the Social Security Administration Act 1992 s 182B, any reference to a person authorised to exercise any function of an authority administering housing benefit or council tax benefit includes a reference to a person providing services to such an authority which relate to such a benefit, and any reference to the exercise of any function relating to such a benefit includes a reference to the provision of any services so relating: Welfare Reform and Pensions Act 1999 Sch 8 para 34(1), (2)(d), (3).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(4) THE INLAND POST/(ii) Conditions relating to Particular Classes of Postal Packets and Special Facilities/114. Redirection of mail by the public.

114. Redirection of mail by the public.

In the context of the inland letter scheme¹, a postal packet² delivered at the original address may be redirected by a member of the public to the same addressee at any other address in the British postal area³, the Channel Islands or the Isle of Man⁴. Any postal packet so redirected on the day of its delivery at the address from which it is directed must be transmitted by post to the new address free of any additional postage, unless before redirection the packet has been opened or altered otherwise than by substitution of a new address, or if the name of the addressee has been obscured by any adhesive label used to indicate the new address, or if the packet was not redirected by a member of the public⁵. Where the Post Office considers that a packet, purporting to be redirected, has been posted as a redirected packet with a view to evading payment of postage, it may, before the delivery of the packet require the addressee to pay any postage and fees due as if the packet had been sent unpaid⁶. Any redirected packet

which appears to have been opened before being redirected must be dealt with as an unpaid packet of the same description or otherwise dealt with as the Post Office may think fit⁷.

In the context of the inland parcel scheme⁸, any parcel⁹ may be redirected from its original address to the same addressee at any other address in the British postal area¹⁰. On each redirection of a postal packet there must be charged and, if not previously paid, paid by the addressee on the delivery of the packet at the new address, additional postage of such an amount as the Post Office may determine¹¹. Any redirected packet which appears to have been opened before being redirected, and any packet which purports to be redirected, but which appears to have been treated in a manner designed to evade the payment of any postage chargeable thereon must be dealt with and charged as an unpaid packet of the same description or otherwise dealt with as the Post Office may think fit¹².

1 Ie the Post Office Inland Letter Post Scheme 1989: see PARA 95 ante. As to schemes generally see PARA 83 ante.

2 For the meaning of 'postal packet' see PARA 95 note 4 ante.

3 For the meaning of 'British postal area' see PARA 95 note 3 ante.

4 Post Office Inland Letter Post Scheme 1989 para 28(1). This facility does not apply to a business reply packet (see PARA 112 ante), a freepost packet (see PARA 112 ante), or a packet which is subject to the provisions of the Social Security Administration (Fraud) Act 1997 (see SOCIAL SECURITY AND PENSIONS vol 44(2) (Reissue) PARA 6): Post Office Inland Letter Post Scheme 1989 para 28(1). For other packets the original postage must be paid again, together with a special fee in the case of a registered postal packet or recorded delivery packet: para 28(3).

5 Ibid para 28(2) (amended by the Post Office Inland Letter Post Amendment (No 10) Scheme 1997). 'Member of the public' means a natural person who is not carrying out redirection in the course of a business involving such redirection: Post Office Inland Letter Post Scheme 1989 para 28(2) (as amended). In the case of a registered postal packets or recorded delivery packets additional postage must be paid: para 28(3) (amended by the Post Office Inland Letter Post Amendment (No 5) Scheme 1993; the Post Office Inland Letter Post Amendment (No 9) Scheme 1997; and the Post Office Inland Letter Post Amendment (No 11) Scheme 1998).

6 Post Office Inland Letter Post Scheme 1989 para 29(1) (amended by the Post Office Inland Letter Post Amendment (No 10) Scheme 1997).

7 Post Office Inland Letter Post Scheme 1989 para 29(2) (amended by the Post Office Inland Letter Post Amendment (No 10) Scheme 1997).

8 Ie the Post Office Inland Parcel Post Scheme 1989: see PARA 95 ante.

9 For the meaning of 'parcel' see PARA 95 note 4 ante.

10 Post Office Inland Parcel Post Scheme 1989 para 20(1) (amended by the Post Office Inland Parcel Post Amendment (No 11) Scheme 1999).

11 Post Office Inland Letter Post Scheme 1989 para 20(2).

12 Ibid para 21(2).

UPDATE

95-120 The Inland Post

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the Royal Mail Group plc Inland Parcel Post (Amendment No 5) Scheme 2003 (London Gazette, 16 May 2003); the Royal Mail Group plc Inland Parcel Post (Amendment No 6) Scheme 2003 (London Gazette, 5 December 2003); the Royal Mail Group plc Inland Parcel Post (Amendment No 7) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Inland Parcel Post (Amendment No 8) Scheme 2004 (London Gazette, 28 May 2004); the Royal Mail Group plc Inland Parcel Post (Amendment No 9) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Inland Parcel Post (Amendment No 10) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Inland Parcel Post (Amendment No 11) Scheme 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 12) Scheme 2008 (London Gazette, 31 March 2008); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 13) Scheme 2008 (London Gazette, 2 June 2008); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 14) Scheme 2008 (London Gazette, 25 July 2008) (consolidated version); and the Royal Mail Group Ltd Inland Parcel Post (Amendment No 15) Scheme 2010 (London Gazette, 29 January 2010).

114 Redirection of mail by the public

NOTES 1-4--Post Office Inland Letter Post Scheme 1989 para 29 now Successor Postal Services Company Inland Letter Post Scheme 2001 para 6 (amended by the Royal Mail Group plc Inland Letter Post (Amendment No 5) Scheme 2002 (London Gazette, 17 January 2003)).

NOTE 11--The reference should be to the Post Office Inland Parcel Post Scheme 1989.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(4) THE INLAND POST/(ii) Conditions relating to Particular Classes of Postal Packets and Special Facilities/115. Other postal facilities.

115. Other postal facilities.

The Post Office provides a number of other postal facilities including:

- (1) the collection of postal packets¹ by the Post Office from private posting boxes²;
- (2) the provision at delivery offices of private boxes in which packets or parcels await collection by the addressee³;
- (3) the Selectapost service for separating postal packets addressed to the same address according to such codes, private box numbers, descriptions, words, figures, characters or marks used with the address as may have been approved for the purpose by the Post Office⁴;
- (4) the temporary retention service by which postal packets are withdrawn from delivery to a private address for a period not exceeding two months⁵; and proof of delivery requested after the time of posting⁶;
- (5) a poste restante service, provided specifically for the convenience of travellers⁷.

1 For the meaning of 'postal packet' see PARA 95 note 4 ante.

2 See the Post Office Inland Letter Post Scheme 1989 para 23(1), Sch 3 item 6 (amended by the Post Office Inland Letter Post Amendment (No 8) Scheme 1996). As to the scheme see PARA 95 ante; and as to schemes generally see PARA 83 ante.

3 See the Post Office Inland Letter Post Scheme 1989 Sch 3 item 7 (amended by the Post Office Inland Letter Post Amendment (No 2) Scheme 1991; the Post Office Inland Letter Post Amendment (No 5) Scheme 1993; the Post Office Inland Letter Post Amendment (No 6) Scheme 1993; the Post Office Inland Letter Post Amendment (No 8) Scheme 1996; the Post Office Inland Letter Post Amendment (No 10) Scheme 1997; and Post Office Inland Letter Post Amendment (No 11) Scheme 1998); Post Office Inland Parcel Post Scheme 1989 para 18(1), Sch 3 item 3 (amended by the Post Office Inland Parcel Post Amendment (No 5) Scheme 1993). As to the parcel post scheme see PARA 95 ante.

4 See the Post Office Inland Letter Post Scheme 1989 Sch 3 item 15.

5 Post Office Inland Letter Post Scheme 1989 Sch 3 item 13 (amended by the Post Office Inland Letter Post Amendment (No 2) Scheme 1991; the Post Office Inland Letter Post Amendment (No 7) Scheme 1994; and the Post Office Inland Letter Post Amendment (No 10) Scheme 1997).

6 Post Office Inland Letter Post Scheme 1989 Sch 3 item 18 (added by the Post Office Inland Letter Post Amendment (No 8) Scheme 1996).

7 See the Post Office Inland Letter Post Scheme 1989 para 30(a) (amended by the Post Office Inland Letter Post Amendment (No 10) Scheme 1997); Post Office Inland Parcel Post Scheme 1989 para 22(a). The address on packets using the service must bear the addressee's actual name, including surname (Post Office Inland Letter Post Scheme 1989 para 30(c); Post Office Inland Parcel Post Scheme 1989 para 22(c)); it must be marked 'To be called for' or 'Poste Restante' (Post Office Inland Letter Post Scheme 1989 para 30(b); Post Office Inland Parcel Post Scheme 1989 para 22(b)), and may bear an address for return in case of non-delivery (Post Office Inland Letter Post Scheme 1989 para 30(g); Post Office Inland Parcel Post Scheme 1989 para 22(g)). Proof of the addressee's identity may be required: Post Office Inland Letter Post Scheme 1989 para 30(d); Post Office Inland Parcel Post Scheme 1989 para 22(d). In general the packet will not be retained at the post office for more than 14 days: Post Office Inland Letter Post Scheme 1989 para 30(e); Post Office Inland Parcel Post Scheme 1989 para 22(e).

UPDATE

95-120 The Inland Post

The Post Office Inland Letter Post Scheme 1989 replaced by the Post Office Inland Letter Post Scheme 2000 (London Gazette, 20 April 2000). 2000 Scheme renamed the Successor Postal Services Company Inland Letter Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Inland Letter Post Scheme 2001 has been amended by the Consignia plc Inland Letter Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Inland Letter Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Inland Letter Post (Amendment No 3) Scheme 2001 (London Gazette, 23 November 2001); the Consignia plc Inland Letter Post (Amendment No 4) Scheme 2002 (London Gazette, 28 June 2002); the Royal Mail Group plc Inland Letter Post (Amendment No 5) Scheme 2003 (London Gazette, 17 January 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 6) Scheme 2003 (London Gazette, 2 May 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 7) Scheme 2003 (London Gazette, 21 November 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 8) Scheme 2003 (London Gazette, 24 December 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 9) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 10) Scheme 2004 (London Gazette, 16 April 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 11) Scheme 2004 (London Gazette, 24 September 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 12) Scheme 2004 (London Gazette, 8 October 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 13) Scheme 2004 (London Gazette, 22 October 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 14) Scheme 2004 (London Gazette, 17 December 2004); the Royal Mail Group plc Inland

Letter Post (Amendment No 15) Scheme 2005 (London Gazette, 18 February 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 16) Scheme 2005 (London Gazette, 1 April 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 17) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 18) Scheme 2005 (London Gazette, 21 July 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 19) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 20) Scheme 2006 (London Gazette, 21 April 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 21) Scheme 2006 (London Gazette, 9 June 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 22) Scheme 2006 (London Gazette, 28 July 2006); the Royal Mail Group plc Inland Letter Post Scheme (Amendment No 23) 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Inland Letter Post Scheme (Amendment No 24) 2008 (London Gazette, 14 March 2008); the Royal Mail Group Ltd Inland Letter Post Scheme (Amendment No 25) 2008 (London Gazette, 29 July 2008) (consolidated version); the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 26) 2009 (London Gazette, 27 March 2009); the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 27) 2009 (London Gazette, 16 October 2009); and the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 28) 2010 (London Gazette, 29 January 2010).

The Successor Postal Services Company Inland Letter Post Scheme 2001 sets out the conditions of the Royal Mail Group plc (ie the successor postal services company: see PARA 3) for (1) accepting a letter posted in the United Kingdom for delivery to an address in the United Kingdom, the Channel Islands or the Isle of Man; (2) accepting a letter sent from the Channel Islands or the Isle of Man for delivery to an address in the United Kingdom; and (3) providing other services in connection with Inland letter post and letter post sent between the United Kingdom and the Channel Islands or the Isle of Man: para 1.1.

The Post Office Inland Parcel Post Scheme 1989 is replaced by the Post Office Inland Parcel Post Scheme 2000 (London Gazette, 20 April 2000), which has been renamed the Successor Postal Services Company Inland Parcel Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Inland Parcel Post Scheme 2001 has been amended by the Consignia plc Inland Parcel Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Inland Parcel Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Inland Parcel Post (Amendment No 3) Scheme 2002 (London Gazette, 22 March 2002); the Consignia plc Inland Parcel Post (Amendment No 4) Scheme 2002 (London Gazette, 28 June 2002); the Royal Mail Group plc Inland Parcel Post (Amendment No 5) Scheme 2003 (London Gazette, 16 May 2003); the Royal Mail Group plc Inland Parcel Post (Amendment No 6) Scheme 2003 (London Gazette, 5 December 2003); the Royal Mail Group plc Inland Parcel Post (Amendment No 7) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Inland Parcel Post (Amendment No 8) Scheme 2004 (London Gazette, 28 May 2004); the Royal Mail Group plc Inland Parcel Post (Amendment No 9) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Inland Parcel Post (Amendment No 10) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Inland Parcel Post (Amendment No 11) Scheme 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 12) Scheme 2008 (London Gazette, 31 March 2008); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 13) Scheme 2008 (London Gazette, 2 June 2008); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 14) Scheme 2008 (London Gazette, 25 July 2008) (consolidated version); and the Royal Mail Group Ltd Inland Parcel Post (Amendment No 15) Scheme 2010 (London Gazette, 29 January 2010).

115 Other postal facilities

NOTE 2--Post Office Inland Letter Post Scheme 1989 para 23(1), Sch 1 item 6 now Successor Postal Services Company Inland Letter Post Scheme 2001 para 31.

NOTE 3--Post Office Inland Letter Post Scheme 1989 Sch 3 item 7 now Successor Postal Services Company Inland Letter Post Scheme 2001 para 28 (amended by the Royal Mail Group plc Inland Letter Post (Amendment No 7) Scheme 2003 (London Gazette, 21 November 2003), and the Royal Mail Group plc Inland Letter Post (Amendment No 14) Scheme 2004 (London Gazette, 17 December 2004)).

NOTE 4--Post Office Inland Letter Post Scheme 1989 Sch 3 item 15 now Successor Postal Services Company Inland Letter Post Scheme 2001 para 39 (amended by the Royal Mail Group plc Inland Letter Post (Amendment No 7) Scheme 2003 (London Gazette, 21 November 2003), the Royal Mail Group plc Inland Letter Post (Amendment No 8) Scheme 2003 (London Gazette, 24 December 2003)).

NOTES 5, 6--Post Office Inland Letter Post Scheme 1989 Sch 3 items 13, 18 now Successor Postal Services Company Inland Letter Post Scheme 2001 paras 23, 27.

NOTE 7--Post Office Inland Letter Post Scheme 1989 para 30 now Successor Postal Services Company Inland Letter Post Scheme 2001 para 29.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(4) THE INLAND POST/ (iii) Special Delivery and the Recorded Delivery Service/116. Special Delivery.

(iii) Special Delivery and the Recorded Delivery Service

116. Special Delivery.

Special Delivery is the brand name which the Post Office uses to denote the type of service previously provided by the registered post service and any reference in any legislation or legal document to 'Registered Post' or 'the Registered Service' must be taken to be a reference to Special Delivery as it is the same service in all material particulars¹. In the context of the inland letter scheme, any postal packet², weighing less than 10 kg may be sent by Special Delivery³. The sender has the choice of paying different levels of fees dependent upon the maximum compensation limit which the sender wishes to claim⁴. On the delivery of a Special Delivery postal packet the recipient must give a written receipt for it in the prescribed form⁵.

The Post Office may grant a licence to a person who wishes to invite others to post Special Delivery packets to him or his agent subject to such conditions as the Post Office thinks fit⁶.

1 Post Office Inland Letter Post Scheme 1989 para 3(1) (amended by the Post Office Inland Letter Post Amendment (No 11) Scheme 1998).

2 For the meaning of 'postal packet' see PARA 95 note 4 ante.

3 Post Office Inland Letter Post Scheme 1989 para 34(1) (amended by the Post Office Inland Letter Post Amendment (No 9) Scheme 1997; and the Post Office Inland Letter Post Amendment (No 11) Scheme 1998). As to the scheme see PARA 95 ante; and as to schemes generally see PARA 83 ante.

4 Post Office Inland Letter Post Scheme 1989 para 34(2) (substituted by the Post Office Inland Letter Post Amendment (No 9) Scheme 1997; and amended by the Post Office Inland Letter Post Amendment (No 11) Scheme 1998), Post Office Inland Letter Post Scheme 1989 para 38 (amended by the Post Office Inland Letter Post Amendment (No 8) Scheme 1996; and the Post Office Inland Letter Post Amendment (No 9) Scheme 1997),

Post Office Inland Letter Post Scheme 1989 Sch 4 Pt 1 (substituted by the Post Office Inland Letter Post Amendment (No 12) Scheme 1999).

5 Post Office Inland Letter Post Scheme 1989 para 36 (amended by the Post Office Inland Letter Post Amendment (No 5) Scheme 1993; and the Post Office Inland Letter Post Amendment (No 11) Scheme 1998). If a receipt is not obtained, the packet may be withheld and dealt with or disposed of in such manner as the Post Office thinks fit: Post Office Inland Letter Post Scheme 1989 para 36 (amended by the Post Office Inland Letter Post Amendment (No 5) Scheme 1993).

6 Post Office Inland Letter Post Scheme 1989 para 27(1) (para 27 substituted by the Post Office Inland Letter Post Amendment (No 11) Scheme 1998). The terms and conditions of such a licence must be the same as those set out in Post Office Inland Letter Post Scheme 1989 para 26 (see PARA 112 ante) provided that no such response packets may be posted otherwise than at a post office unless otherwise agreed with the Post Office: para 27(2) (as so substituted). Unless otherwise agreed with the Post Office, the conditions applying to such packets must be the same as those set out in PARAS 34-38, Sch 4 Pt II (as amended) (see PARAS 116-118 post): para 27(3) (as so substituted). As to response packets see PARA 112 ante.

UPDATE

95-120 The Inland Post

The Post Office Inland Letter Post Scheme 1989 replaced by the Post Office Inland Letter Post Scheme 2000 (London Gazette, 20 April 2000). 2000 Scheme renamed the Successor Postal Services Company Inland Letter Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Inland Letter Post Scheme 2001 has been amended by the Consignia plc Inland Letter Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Inland Letter Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Inland Letter Post (Amendment No 3) Scheme 2001 (London Gazette, 23 November 2001); the Consignia plc Inland Letter Post (Amendment No 4) Scheme 2002 (London Gazette, 28 June 2002); the Royal Mail Group plc Inland Letter Post (Amendment No 5) Scheme 2003 (London Gazette, 17 January 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 6) Scheme 2003 (London Gazette, 2 May 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 7) Scheme 2003 (London Gazette, 21 November 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 8) Scheme 2003 (London Gazette, 24 December 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 9) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 10) Scheme 2004 (London Gazette, 16 April 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 11) Scheme 2004 (London Gazette, 24 September 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 12) Scheme 2004 (London Gazette, 8 October 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 13) Scheme 2004 (London Gazette, 22 October 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 14) Scheme 2004 (London Gazette, 17 December 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 15) Scheme 2005 (London Gazette, 18 February 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 16) Scheme 2005 (London Gazette, 1 April 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 17) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 18) Scheme 2005 (London Gazette, 21 July 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 19) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 20) Scheme 2006 (London Gazette, 21 April 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 21) Scheme 2006 (London Gazette, 9 June 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 22) Scheme 2006 (London Gazette, 28 July 2006); the Royal Mail Group plc Inland Letter Post Scheme (Amendment No 23) 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Inland Letter Post Scheme (Amendment No 24) 2008 (London Gazette, 14 March 2008); the Royal Mail

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The Successor Postal Services Company Inland Letter Post Scheme 2001 sets out the conditions of the Royal Mail Group plc (ie the successor postal services company: see PARA 3) for (1) accepting a letter posted in the United Kingdom for delivery to an address in the United Kingdom, the Channel Islands or the Isle of Man; (2) accepting a letter sent from the Channel Islands or the Isle of Man for delivery to an address in the United Kingdom; and (3) providing other services in connection with Inland letter post and letter post sent between the United Kingdom and the Channel Islands or the Isle of Man: para 1.1.

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116 Special Delivery

NOTE 1--Post Office Inland Letter Post Scheme 1989 para 3(1) now Successor Postal Services Company Inland Letter Post Scheme 2001 Sch 2 (amended by the Royal Mail Group plc Inland Letter Post (Amendment No 11) Scheme 2004 (London Gazette, 24 September 2004); and the Royal Mail Group plc Inland Parcel Post (Amendment No 22) Scheme 2006 (London Gazette, 28 July 2006)).

NOTES 3-5--Post Office Inland Letter Post Scheme 1989 paras 34, 36 now Successor Postal Services Company Inland Letter Post Scheme 2001 para 40.

TEXT AND NOTE 6--Post Office Inland Letter Post Scheme 1989 para 27 not reproduced in Successor Postal Services Company Inland Letter Post Scheme 2001.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(4) THE INLAND POST/ (iii) Special Delivery and the Recorded Delivery Service/117. Statutory liability in respect of Special Delivery packets.

117. Statutory liability in respect of Special Delivery packets.

By the Post Office Act 1969, the Post Office is liable in tort for loss of or damage to certain inland packets¹.

1 See PARA 96 ante.

UPDATE

95-120 The Inland Post

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Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(4) THE INLAND POST/ (iii) Special Delivery and the Recorded Delivery Service/118. Compulsory Special Delivery.

118. Compulsory Special Delivery.

Any postal packet¹ having written or impressed on it the word 'Special Delivery', or any other word, phrase or mark conveying the impression that the packet is Special Delivery packet or is intended to be sent via Special Delivery, which is found not marked as Special Delivery in the post or left at a Post Office, must be marked as Special Delivery². Where a postal packet which has not been sent by Special Delivery is found when in the post to contain money or jewellery

of a total of £26 or over, it is subject to compulsory sending by Special Delivery³. Any postal packet which is subject to compulsory Special Delivery must be either forwarded to the addressee or tendered to the sender charged, in either case, with such amount as the Post Office may determine⁴. Where upon tender of such a packet to the sender, the sender pays the charges to which it has become liable, the packet must be forwarded to the addressee⁵. Where upon tender of such a packet to the addressee or sender he refuses to pay the charges, the packet may be dealt with or disposed of in such manner as the Post office may think fit⁶.

1 For the meaning of 'postal packet' see PARA 95 note 4 ante.

2 Post Office Inland Letter Post Scheme 1989 para 37(1) (substituted by the Post Office Inland Letter Post Amendment (No 11) Scheme 1998). As to the scheme see PARA 95 ante; as to schemes generally see PARA 83 ante.

3 Post Office Inland Letter Post Scheme 1989 para 37(2) (amended by the Post Office Inland Letter Post Amendment (No 8) Scheme 1996; and the Post Office Inland Letter Post Amendment (No 10) Scheme 1997). As to the meaning of 'Special Delivery' see PARA 116 ante.

4 Post Office Inland Letter Post Scheme 1989 para 37(3).

5 Ibid para 37(4).

6 Ibid para 37(5).

UPDATE

95-120 The Inland Post

The Post Office Inland Letter Post Scheme 1989 replaced by the Post Office Inland Letter Post Scheme 2000 (London Gazette, 20 April 2000). 2000 Scheme renamed the Successor Postal Services Company Inland Letter Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Inland Letter Post Scheme 2001 has been amended by the Consignia plc Inland Letter Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Inland Letter Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Inland Letter Post (Amendment No 3) Scheme 2001 (London Gazette, 23 November 2001); the Consignia plc Inland Letter Post (Amendment No 4) Scheme 2002 (London Gazette, 28 June 2002); the Royal Mail Group plc Inland Letter Post (Amendment No 5) Scheme 2003 (London Gazette, 17 January 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 6) Scheme 2003 (London Gazette, 2 May 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 7) Scheme 2003 (London Gazette, 21 November 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 8) Scheme 2003 (London Gazette, 24 December 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 9) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 10) Scheme 2004 (London Gazette, 16 April 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 11) Scheme 2004 (London Gazette, 24 September 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 12) Scheme 2004 (London Gazette, 8 October 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 13) Scheme 2004 (London Gazette, 22 October 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 14) Scheme 2004 (London Gazette, 17 December 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 15) Scheme 2005 (London Gazette, 18 February 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 16) Scheme 2005 (London Gazette, 1 April 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 17) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 18) Scheme 2005 (London Gazette, 21 July 2005); the Royal Mail

Group plc Inland Letter Post (Amendment No 19) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 20) Scheme 2006 (London Gazette, 21 April 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 21) Scheme 2006 (London Gazette, 9 June 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 22) Scheme 2006 (London Gazette, 28 July 2006); the Royal Mail Group plc Inland Letter Post Scheme (Amendment No 23) 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Inland Letter Post Scheme (Amendment No 24) 2008 (London Gazette, 14 March 2008); the Royal Mail Group Ltd Inland Letter Post Scheme (Amendment No 25) 2008 (London Gazette, 29 July 2008) (consolidated version); the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 26) 2009 (London Gazette, 27 March 2009); the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 27) 2009 (London Gazette, 16 October 2009); and the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 28) 2010 (London Gazette, 29 January 2010).

The Successor Postal Services Company Inland Letter Post Scheme 2001 sets out the conditions of the Royal Mail Group plc (ie the successor postal services company: see PARA 3) for (1) accepting a letter posted in the United Kingdom for delivery to an address in the United Kingdom, the Channel Islands or the Isle of Man; (2) accepting a letter sent from the Channel Islands or the Isle of Man for delivery to an address in the United Kingdom; and (3) providing other services in connection with Inland letter post and letter post sent between the United Kingdom and the Channel Islands or the Isle of Man: para 1.1.

The Post Office Inland Parcel Post Scheme 1989 is replaced by the Post Office Inland Parcel Post Scheme 2000 (London Gazette, 20 April 2000), which has been renamed the Successor Postal Services Company Inland Parcel Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Inland Parcel Post Scheme 2001 has been amended by the Consignia plc Inland Parcel Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Inland Parcel Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Inland Parcel Post (Amendment No 3) Scheme 2002 (London Gazette, 22 March 2002); the Consignia plc Inland Parcel Post (Amendment No 4) Scheme 2002 (London Gazette, 28 June 2002); the Royal Mail Group plc Inland Parcel Post (Amendment No 5) Scheme 2003 (London Gazette, 16 May 2003); the Royal Mail Group plc Inland Parcel Post (Amendment No 6) Scheme 2003 (London Gazette, 5 December 2003); the Royal Mail Group plc Inland Parcel Post (Amendment No 7) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Inland Parcel Post (Amendment No 8) Scheme 2004 (London Gazette, 28 May 2004); the Royal Mail Group plc Inland Parcel Post (Amendment No 9) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Inland Parcel Post (Amendment No 10) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Inland Parcel Post (Amendment No 11) Scheme 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 12) Scheme 2008 (London Gazette, 31 March 2008); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 13) Scheme 2008 (London Gazette, 2 June 2008); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 14) Scheme 2008 (London Gazette, 25 July 2008) (consolidated version); and the Royal Mail Group Ltd Inland Parcel Post (Amendment No 15) Scheme 2010 (London Gazette, 29 January 2010).

118 Compulsory Special Delivery

NOTES--Post Office Inland Letter Post Scheme 1989 para 37 now Successor Postal Services Company Inland Letter Post Scheme 2001 para 41.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(4) THE INLAND POST/ (iii) Special Delivery and the Recorded Delivery Service/119. Recorded service.

119. Recorded service.

In the context of the inland letter scheme¹, 'recorded delivery packet' means a postal packet² which is posted as a recorded delivery packet in accordance with the following provisions, with the intention that the recipient of the packet be given a written receipt on delivery³.

Any postal packet not sent by Special Delivery⁴ may be sent as a recorded delivery packet⁵. There are certain conditions which must be complied with in relation to a recorded packet⁶. On delivery of such a packet the recipient is required to give a written receipt for it in the form prescribed by the Post Office and where such a receipt is not obtained, the packet may be withheld and dealt with or disposed of in such manner as the Post Office thinks fit⁷.

1 Ie the Post Office Inland Letter Post Scheme 1989: see PARA 95 ante. As to schemes generally see PARA 83 ante.

2 For the meaning of 'postal packet' see PARA 95 note 4 ante.

3 Ibid para 25(1).

4 As to the meaning of 'Special Delivery' see PARA 116 ante.

5 Post Office Inland Letter Post Scheme 1989 para 25(2) (amended by the Post Office Inland Letter Post Amendment (No 11) Scheme 1998). A fee is payable in addition to any postage and other charges: Post Office Inland Letter Post Scheme 1989 para 25(2), Sch 3 item 8 (amended by the Post Office Inland Letter Post Amendment (No 8) Scheme). As to the service of documents and other things by the recorded delivery service as an alternative to registered post see PARA 92 ante.

6 Post Office Inland Letter Post Scheme 1989 para 25(4), (5).

7 Ibid para 25(9) (amended by the Post Office Inland Letter Post Amendment (No 5) Scheme 1993).

UPDATE

95-120 The Inland Post

The Post Office Inland Letter Post Scheme 1989 replaced by the Post Office Inland Letter Post Scheme 2000 (London Gazette, 20 April 2000). 2000 Scheme renamed the Successor Postal Services Company Inland Letter Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Inland Letter Post Scheme 2001 has been amended by the Consignia plc Inland Letter Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Inland Letter Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Inland Letter Post (Amendment No 3) Scheme 2001 (London Gazette, 23 November 2001); the Consignia plc Inland Letter Post (Amendment No 4) Scheme 2002 (London Gazette, 28 June 2002); the Royal Mail Group plc Inland Letter Post (Amendment No 5) Scheme 2003 (London Gazette, 17 January 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 6) Scheme 2003 (London Gazette, 2 May 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 7) Scheme 2003 (London Gazette, 21 November 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 8) Scheme 2003 (London Gazette, 24 December 2003); the Royal Mail Group plc Inland Letter Post (Amendment No 9) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail

Group plc Inland Letter Post (Amendment No 10) Scheme 2004 (London Gazette, 16 April 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 11) Scheme 2004 (London Gazette, 24 September 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 12) Scheme 2004 (London Gazette, 8 October 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 13) Scheme 2004 (London Gazette, 22 October 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 14) Scheme 2004 (London Gazette, 17 December 2004); the Royal Mail Group plc Inland Letter Post (Amendment No 15) Scheme 2005 (London Gazette, 18 February 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 16) Scheme 2005 (London Gazette, 1 April 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 17) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 18) Scheme 2005 (London Gazette, 21 July 2005); the Royal Mail Group plc Inland Letter Post (Amendment No 19) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 20) Scheme 2006 (London Gazette, 21 April 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 21) Scheme 2006 (London Gazette, 9 June 2006); the Royal Mail Group plc Inland Letter Post (Amendment No 22) Scheme 2006 (London Gazette, 28 July 2006); the Royal Mail Group plc Inland Letter Post Scheme (Amendment No 23) 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Inland Letter Post Scheme (Amendment No 24) 2008 (London Gazette, 14 March 2008); the Royal Mail Group Ltd Inland Letter Post Scheme (Amendment No 25) 2008 (London Gazette, 29 July 2008) (consolidated version); the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 26) 2009 (London Gazette, 27 March 2009); the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 27) 2009 (London Gazette, 16 October 2009); and the Royal Mail Group Limited Inland Letter Post Scheme (Amendment No 28) 2010 (London Gazette, 29 January 2010).

The Successor Postal Services Company Inland Letter Post Scheme 2001 sets out the conditions of the Royal Mail Group plc (ie the successor postal services company: see PARA 3) for (1) accepting a letter posted in the United Kingdom for delivery to an address in the United Kingdom, the Channel Islands or the Isle of Man; (2) accepting a letter sent from the Channel Islands or the Isle of Man for delivery to an address in the United Kingdom; and (3) providing other services in connection with Inland letter post and letter post sent between the United Kingdom and the Channel Islands or the Isle of Man: para 1.1.

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Scheme 2008 (London Gazette, 31 March 2008); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 13) Scheme 2008 (London Gazette, 2 June 2008); the Royal Mail Group Ltd Inland Parcel Post (Amendment No 14) Scheme 2008 (London Gazette, 25 July 2008) (consolidated version); and the Royal Mail Group Ltd Inland Parcel Post (Amendment No 15) Scheme 2010 (London Gazette, 29 January 2010).

119 Recorded service

NOTES--Post Office Inland Letter Post Scheme 1989 para 25 now Successor Postal Services Company Inland Letter Post Scheme 2001 para 41.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(4) THE INLAND POST/ (iv) Compensation Fee Parcel Service/120. Compensation fee parcel service.

(iv) Compensation Fee Parcel Service

120. Compensation fee parcel service.

In the context of the inland parcel scheme¹, any parcel² may be sent by the compensation fee parcel service³. In addition to the postage charged on a parcel which the sender wishes to be dealt with under the service, the minimum fee or, a higher fee if the sender so elects, will also be charged⁴. Certain conditions must be complied with in relation to a compensation fee parcel⁵.

In the case of a parcel which was redirected after delivery at the place to which it was addressed⁶, no liability is accepted for the loss of, or damage to, the parcel, or any of its contents, while in the post, unless the packet was so redirected by being posted anew and full postage was prepaid on such reposting together with a further compensation fee⁷.

The Post Office may, if it thinks fit, refuse to accept payment of a compensation fee on the posting of any parcel⁸. There are certain articles in respect of which no liability is accepted for loss or damage, and in respect of which no compensation may be paid⁹.

1 Ie the Post Office Inland Parcel Post Scheme 1989: see PARA 95 ante. As to schemes generally see PARA 83 ante.

2 For the meaning of 'parcel' see PARA 95 note 4 ante.

3 Post Office Inland Parcel Post Scheme 1989 para 25(1) (amended by the Post Office Inland Parcel Post Amendment (No 11) Scheme 1999). This service may be advertised under the name 'Enhanced Compensation Fee Service': Post Office Inland Parcel Post Scheme 1989 para 25(1) (as so amended). In practice, this service does not currently operate.

4 Ibid para 25(2), Sch 4 Pt I (substituted by the Post Office Inland Parcel Post Amendment (No 11) Scheme 1999). The maximum amount of compensation payable is dependant upon the fee paid by the sender: see Post Office Inland Parcel Post Scheme 1989 para 25(5), Sch 4 Pt I (as substituted). As to the application of the compensation fee scheme to packets to and from the Isle of Man see PARA 34.

5 See ibid para 25(3), Sch 4 Pt II (amended by the Post Office Inland Parcel Post Amendment (No 11) Scheme 1999).

6 Ie redirected under the Post Office Inland Parcel Post Scheme 1989 para 20: see PARA 114 ante.

7 Ibid para 25(6).

8 Ibid para 25(7).

9 See ibid para 25(4), Sch 4 Pt III (amended by the Post Office Inland Parcel Post Amendment (No 10) Scheme 1998).

UPDATE

95-120 The Inland Post

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The Successor Postal Services Company Inland Letter Post Scheme 2001 sets out the conditions of the Royal Mail Group plc (ie the successor postal services company: see

PARA 3) for (1) accepting a letter posted in the United Kingdom for delivery to an address in the United Kingdom, the Channel Islands or the Isle of Man; (2) accepting a letter sent from the Channel Islands or the Isle of Man for delivery to an address in the United Kingdom; and (3) providing other services in connection with Inland letter post and letter post sent between the United Kingdom and the Channel Islands or the Isle of Man: para 1.1.

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120 Compensation fee parcel service

NOTES 4, 5, 9--Post Office Inland Parcel Post Scheme 1989 Sch 4 now Successor Postal Services Company Inland Parcel Post Scheme 2001 Sch 4 (Sch 4 Pt I substituted by the Royal Mail Group plc Inland Parcel Post (Amendment No 9) Scheme 2005 (London Gazette, 5 April 2005)).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(5) THE OVERSEAS POST/(i) General Conditions/121. Application of the overseas post schemes.

(5) THE OVERSEAS POST

(i) General Conditions

121. Application of the overseas post schemes.

The schemes relating to the overseas letter post¹ and the overseas parcel post² determine the charges, terms and conditions applicable respectively to postal packets³ and parcels⁴

transmitted by post from or to the British postal area⁵ otherwise than under the schemes relating to the inland post⁶.

1 Post Office Overseas Letter Post Scheme 1982 (London Gazette, 28 January 1982) (amended by the Post Office Overseas Letter Post Amendment (No 1) Scheme 1982 (London Gazette, 10 September 1982); the Post Office Overseas Letter Post Amendment (No 2) Scheme 1983 (London Gazette, 25 March 1983); the Post Office Overseas Letter Post Amendment (No 3) Scheme 1984 (London Gazette, 24 August 1984); the Post Office Overseas Letter Post Amendment (No 5) Scheme 1985 (London Gazette, 13 December 1985); the Post Office Overseas Letter Post Amendment (No 6) Scheme 1986 (London Gazette, 17 October 1986); the Post Office Overseas Letter Post Amendment (No 7) Scheme 1987 (London Gazette, 27 March 1987); the Post Office Overseas Letter Post Amendment (No 8) Scheme 1988 (London Gazette, 2 September 1988); the Post Office Overseas Letter Post Amendment (No 9) Scheme 1989 (London Gazette, 29 September 1989); the Post Office Overseas Letter Post Amendment (No 10) Scheme 1990 (London Gazette, 3 September 1990); the Post Office Overseas Letter Post Amendment (No 12) Scheme 1991 (London Gazette, 15 March 1991); the Post Office Overseas Letter Post Amendment (No 13) Scheme 1991 (London Gazette, 13 September 1991); the Post Office Overseas Letter Post Amendment (No 14) Scheme 1993 (London Gazette, 9 July 1993); the Post Office Overseas Letter Post Amendment (No 15) Scheme 1993 (London Gazette, 29 October 1993); the Post Office Overseas Letter Post Amendment (No 16) Scheme 1996 (London Gazette, 5 July 1996); the Post Office Overseas Letter Post Amendment (No 17) Scheme 1998 (London Gazette, 3 April 1998); the Post Office Overseas Letter Post Amendment (No 18) Scheme 1999 (London Gazette, 23 April 1999).

2 Post Office Overseas Parcel Post Scheme 1982 (London Gazette, 28 January 1982) (amended by the Post Office Overseas Parcel Post Amendment (No 13) Scheme 1991 (London Gazette, 28 March 1991); the Post Office Overseas Parcel Post Amendment (No 14) Scheme 1992 (London Gazette, 3 April 1992); the Post Office Overseas Parcel Post Amendment (No 15) Scheme 1993 (London Gazette, 2 April 1993); the Post Office Overseas Parcel Post Amendment (No 19) Scheme 1997 (London Gazette, 7 April 1997); the Post Office Overseas Parcel Post Amendment (No 20) Scheme 1998 (London Gazette, 3 April 1998); the Post Office Overseas Parcel Post Amendment (No 21) Scheme 1999 (London Gazette, 26 April 1999)).

3 In the Post Office Overseas Letter Post Scheme 1982, 'postal packet' means a letter, postcard, printed packet, small packet, and a packet consisting of, or containing, only literature for the blind, but does not include a telegram or a parcel: para 3(1). 'Letter' includes any communication in the nature of current and personal correspondence, and also includes a packet transmitted at the letter rate of postage and containing goods or articles of merchandise: para 3(1). 'Postcard' means a card recognised as a postcard in accordance with the terms of the Universal Postal Convention (see PARA 11 ante): Post Office Overseas Letter Post Scheme 1982 para 3(1).

For the meaning of 'printed packet' see PARA 22(1) (amended by the Post Office Overseas Letter Post Amendment (No 12) Scheme 1991); and PARA 127 note 5 post. For the meaning of 'small packet' see the Post Office Overseas Letter Post Scheme 1982 para 24(1) (substituted by the Post Office Overseas Letter Post Amendment (No 12) Scheme 1991); and PARA 127 note 5 post. For the meaning of 'literature for the blind' see PARA 3(1) (amended by the Post Office Overseas Letter Post Amendment (No 12) Scheme 1991); and PARA 127 note 5 post.

'Parcel' means a postal packet which is posted in the British postal area as a parcel in accordance with the provisions of the Post Office Overseas Parcel Post Scheme 1982 or is received at a post office in the British postal area from abroad by parcel post: para 3(1). The overseas letter scheme does not apply to parcels: para 4(2).

4 'Parcel' means a postal packet which is posted as a parcel in accordance with the provisions of the Post Office Overseas Parcel Post Scheme 1982, or is received at a post office in the British postal area from abroad by parcel post: para 3(1). 'British postal area' means the United Kingdom including United Kingdom territorial waters: para 3(1). For the meaning of 'United Kingdom' see PARA 18 note 6 ante.

5 For the meaning of 'British postal area' see notes 3-4 supra.

6 Post Office Overseas Letter Post Scheme 1982 para 4(1); Post Office Overseas Parcel Post Scheme 1982 para 4. As to the inland schemes see PARA 95 ante; as to schemes generally see PARA 83 ante. For the application of those schemes to letter and parcel postal services between the United Kingdom and the Channel Islands or the Isle of Man see PARA 95 ante.

As to mail to HM Forces and Royal Navy Ships see the Post Office Overseas Letter Post Scheme 1982 para 6 (added by the Post Office Overseas Letter Post Amendment (No 17) Scheme 1998), Sch 1 Pt I, Sch 3 Pt III (Schs 1, 3 substituted by the Post Office Overseas Letter Post Amendment (No 18) Scheme 1999). As to postal packets posted on ships or by Forces abroad see the Post Office Overseas Letter Post Scheme 1982 para 7 (substituted by the Post Office Overseas Letter Post Amendment (No 17) Scheme 1998), the Post Office Overseas Letter Post Scheme 1982 para 42 (amended by the Post Office Overseas Letter Post Amendment (No 17) Scheme 1998; and the Post Office Overseas Letter Post Amendment (No 18) Scheme 1999), the Post Office Overseas Letter

Post Scheme 1982 Sch 1 Pt III (Sch 1 Pt III substituted by the Post Office Overseas Letter Post Amendment (No 18) Scheme 1999), and the Post Office Overseas Letter Post Scheme 1982 Sch 2 Pts I, V (Sch 2 Pts I, V substituted by the Post Office Overseas Letter Post Amendment (No 18) Scheme 1999). As to parcels posted on ships of the Royal Navy or by forces abroad see the Post Office Overseas Parcel Post Scheme 1982 para 29. See also PARA 129 note 2 ante.

UPDATE

121-147 The Overseas Post

Post Office Overseas Letter Post Scheme 1982 replaced by the Post Office Overseas Letter Post Scheme 2001 (London Gazette, 16 March 2001). Post Office Overseas Letter Post Scheme 2001 renamed the Successor Postal Services Company Overseas Letter Post Scheme 2001: SI 2001/1148. Successor Postal Services Company Overseas Letter Post Scheme 2001 amended by the Consignia plc Overseas Letter Post Amendment (No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Overseas Letter Post Amendment (No 2) Scheme 2001 (London Gazette, 17 August 2001); the Consignia plc Overseas Letter Post Amendment (No 3) Scheme 2001 (London Gazette, 14 December 2001); the Consignia plc Overseas Letter Post Amendment (No 4) Scheme 2002 (London Gazette, 28 June 2002); the Consignia plc Overseas Letter Post Amendment (No 5) Scheme 2002 (London Gazette, 28 October 2002); the Royal Mail Group plc Overseas Letter Post Amendment (No 6) Scheme 2003 (London Gazette, 11 April 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 7) Scheme 2003 (London Gazette, 2 May 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 8) Scheme 2003 (London Gazette, 3 October 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 9) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Overseas Letter Post Amendment (No 10) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Overseas Letter Post Amendment (No 11) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Overseas Letter Post Amendment (No 12) Scheme 2006 (London Gazette, 2 June 2006); the Royal Mail Group plc Overseas Letter Post Amendment [(No 13)] Scheme 2006 (London Gazette, 28 July 2006) (art 1 gives the citation '(No 12)', but this appears to be an error); the Royal Mail Group plc Overseas Letter Post Amendment (No 14) Scheme 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Overseas Letter Post Amendment (No 15) Scheme 2008 (London Gazette, 28 March 2008); and the Royal Mail Group Ltd Overseas Letter Post Amendment (No 16) Scheme 2009 (London Gazette, 27 March 2009).

Post Office Overseas Parcel Post Scheme 1982 replaced: see now the Post Office Overseas Parcel Post Scheme 2001 (London Gazette, 16 March 2001). The Post Office Overseas Parcel Post Scheme 2001 is renamed the Successor Postal Services Company Overseas Parcel Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Overseas Parcel Post Scheme 2001 is amended by the Consignia plc Overseas Parcel Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Overseas Parcel Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Overseas Parcel Post (Amendment No 3) Scheme 2002 (London Gazette, 21 December 2001); the Consignia plc Overseas Parcel Post (Amendment No 4) Scheme 2002 (London Gazette, 22 March 2002); the Royal Mail Group plc Overseas Parcel Post (Amendment No 5) Scheme 2003 (London Gazette, 14 March 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 6) Scheme 2003 (London Gazette, 21 March 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 7) Scheme 2003 (London Gazette, 19 December 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 8) Scheme 2004 (London Gazette, 10 September 2004); the Royal Mail Group plc Overseas Parcel Post (Amendment No 9) Scheme 2005 (London Gazette, 23 September 2005); the Royal

Mail Group plc Overseas Parcel Post (Amendment No 10) Scheme 2006 (London Gazette, 18 August 2006); the Royal Mail Group Limited Overseas Parcel Post (Amendment No 11) Scheme 2007 (London Gazette, 13 July 2007); the Royal Mail Group Limited Overseas Parcel Post (Amendment No 12) Scheme 2008 (London Gazette, 4 April 2008); and the Royal Mail Group Limited Overseas Parcel Post (Amendment No 13) Scheme 2009 (London Gazette, 16 January 2009).

121 Application of the overseas post schemes

NOTE 6--Post Office Overseas Letter Post Scheme 1982 Schs 1-3 now the Successor Postal Services Company Overseas Letter Post Scheme 2001 Schs 1-3 (substituted by the Royal Mail Group Ltd Overseas Letter Post Amendment (No 15) Scheme 2008 (London Gazette, 28 March 2008)).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(5) THE OVERSEAS POST/(i) General Conditions/122. Overseas postal packets for which the Post Office pays compensation.

122. Overseas postal packets for which the Post Office pays compensation.

Although the Post Office has no liability for overseas postal packets posted under the overseas letter scheme¹, it may pay such sum as it thinks just by way of compensation where it is satisfied that any article of pecuniary value in a postal packet² has been lost or damaged whilst in the custody of the Post Office³.

Any such compensation which the Post Office pays must be based on the market value of the article (excluding the value of any message or communication) at the time of posting, where the Post Office is satisfied that the article has been lost or rendered valueless⁴ or in the case of damage, the amount by which the value of the packet has diminished⁵. Such compensation in respect of any one postal packet and its contents must not in any case exceed £26⁶, and is payable to any person who establishes a reasonable claim whether as the sender or the addressee⁷.

No such compensation may be paid unless a claim is received from the sender or the addressee within a period of 12 months beginning with the date on which the packet was posted and, in the case of an outgoing packet, a certificate of posting was obtained⁸. No compensation may be paid for loss of or damage to certain valuable items⁹.

No such compensation is payable in respect of a packet which has been destroyed or otherwise dealt with or disposed of by the Post Office pursuant to its statutory power¹⁰ or the provisions of a scheme¹¹. In the case of a postal packet which was redirected after delivery at the place to which it was addressed¹², no such compensation may be paid for the loss of, or damage to, the postal packet, or any of its contents, while in the custody of the Post Office, unless the packet was so redirected by being posted anew and full postage was prepaid on such reposting¹³.

1 Ie the Post Office Overseas Letter Post Scheme 1982. As to the scheme see PARA 121 ante; as to schemes generally see PARA 83 ante.

2 For the meaning of 'postal packet' see PARA 121 note 3 ante. The Post Office Overseas Letter Post Scheme 1982 para 37 does not apply to packets consisting of or containing only literature for the blind: Post Office Overseas Letter Post Scheme 1982 para 37(1) (amended by the Post Office Overseas Letter Post Amendment (No 18) Scheme 1999). As to liability for and compensation in respect of registered packets and insured letters see PARAS 140-144 post.

- 3 Post Office Overseas Letter Post Scheme 1982 para 37(1).
- 4 Ibid para 37(3)(a).
- 5 Ibid para 37(3)(b).
- 6 Ibid para 37(2) (amended by the Post Office Overseas Letter Post Amendment (No 16) Scheme 1996).
- 7 Post Office Overseas Letter Post Scheme 1982 para 37(1).
- 8 Ibid para 37(8). Further conditions must also be complied with: para 37(5), Sch 9. 'Outgoing' means posted in the British postal area (see PARA 121 note 3 ante): para 3(1).
- 9 Ibid para 37(4). The valuable items referred to are those set out in PARA 34(2): see PARA 142 note 6 post.
- 10 Ie its power under the Post Office Act 1953 s 8(3): see PARA 89 ante.
- 11 Post Office Overseas Letter Post Scheme 1989 para 37(7).
- 12 Ie redirected under ibid para 40: see PARA 136 post.
- 13 Ibid para 37(6).

UPDATE

121-147 The Overseas Post

Post Office Overseas Letter Post Scheme 1982 replaced by the Post Office Overseas Letter Post Scheme 2001 (London Gazette, 16 March 2001). Post Office Overseas Letter Post Scheme 2001 renamed the Successor Postal Services Company Overseas Letter Post Scheme 2001: SI 2001/1148. Successor Postal Services Company Overseas Letter Post Scheme 2001 amended by the Consignia plc Overseas Letter Post Amendment (No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Overseas Letter Post Amendment (No 2) Scheme 2001 (London Gazette, 17 August 2001); the Consignia plc Overseas Letter Post Amendment (No 3) Scheme 2001 (London Gazette, 14 December 2001); the Consignia plc Overseas Letter Post Amendment (No 4) Scheme 2002 (London Gazette, 28 June 2002); the Consignia plc Overseas Letter Post Amendment (No 5) Scheme 2002 (London Gazette, 28 October 2002); the Royal Mail Group plc Overseas Letter Post Amendment (No 6) Scheme 2003 (London Gazette, 11 April 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 7) Scheme 2003 (London Gazette, 2 May 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 8) Scheme 2003 (London Gazette, 3 October 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 9) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Overseas Letter Post Amendment (No 10) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Overseas Letter Post Amendment (No 11) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Overseas Letter Post Amendment (No 12) Scheme 2006 (London Gazette, 2 June 2006); the Royal Mail Group plc Overseas Letter Post Amendment [(No 13)] Scheme 2006 (London Gazette, 28 July 2006) (art 1 gives the citation '(No 12)', but this appears to be an error); the Royal Mail Group plc Overseas Letter Post Amendment (No 14) Scheme 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Overseas Letter Post Amendment (No 15) Scheme 2008 (London Gazette, 28 March 2008); and the Royal Mail Group Ltd Overseas Letter Post Amendment (No 16) Scheme 2009 (London Gazette, 27 March 2009).

Post Office Overseas Parcel Post Scheme 1982 replaced: see now the Post Office Overseas Parcel Post Scheme 2001 (London Gazette, 16 March 2001). The Post Office Overseas Parcel Post Scheme 2001 is renamed the Successor Postal Services Company

Overseas Parcel Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Overseas Parcel Post Scheme 2001 is amended by the Consignia plc Overseas Parcel Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Overseas Parcel Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Overseas Parcel Post (Amendment No 3) Scheme 2002 (London Gazette, 21 December 2001); the Consignia plc Overseas Parcel Post (Amendment No 4) Scheme 2002 (London Gazette, 22 March 2002); the Royal Mail Group plc Overseas Parcel Post (Amendment No 5) Scheme 2003 (London Gazette, 14 March 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 6) Scheme 2003 (London Gazette, 21 March 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 7) Scheme 2003 (London Gazette, 19 December 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 8) Scheme 2004 (London Gazette, 10 September 2004); the Royal Mail Group plc Overseas Parcel Post (Amendment No 9) Scheme 2005 (London Gazette, 23 September 2005); the Royal Mail Group plc Overseas Parcel Post (Amendment No 10) Scheme 2006 (London Gazette, 18 August 2006); the Royal Mail Group Limited Overseas Parcel Post (Amendment No 11) Scheme 2007 (London Gazette, 13 July 2007); the Royal Mail Group Limited Overseas Parcel Post (Amendment No 12) Scheme 2008 (London Gazette, 4 April 2008); and the Royal Mail Group Limited Overseas Parcel Post (Amendment No 13) Scheme 2009 (London Gazette, 16 January 2009).

122 Overseas postal packets for which the Post Office pays compensation

TEXT AND NOTES--Post Office Overseas Letter Post Scheme 1982 replaced by the Successor Postal Services Company Overseas Letter Post Scheme 2001 (see PARA 121). The paragraph numbers remain the same unless otherwise stated.

NOTES 4, 5--Post Office Overseas Letter Post Scheme 1982 para 37(3)(a), (b) now Successor Postal Services Company Overseas Letter Post Scheme 2001 para 37(4)(a), (b).

TEXT AND NOTE 6--'£26' now '£2200': Successor Postal Services Company Overseas Letter Post Scheme 2001 para 37(3).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(5) THE OVERSEAS POST/(i) General Conditions/123. Overseas parcels for which the Post Office pays compensation.

123. Overseas parcels for which the Post Office pays compensation.

Although the Post Office has no liability for overseas parcels posted under the overseas parcel scheme¹, it may pay such sum as it thinks just by way of compensation where it is satisfied that any article of pecuniary value in a parcel² has been lost or damaged whilst in the course of transmission by post³.

Any compensation payable will be based on the market value of the article (excluding the value of any message or communication) at time of posting where the Post Office is satisfied that the article has been lost or rendered valueless⁴, or, in the case of damage, the amount by which the value of the packet has diminished⁵. This is subject to a maximum of £150 per parcel and its contents sent by the Standard Service⁶. No compensation is payable in respect of a parcel sent by the Economy Service⁷.

No compensation may be paid unless a claim is received within a certain time limit, and certain conditions, including obtaining a certificate of posting, are complied with⁸. Compensation will not be payable in respect of certain items⁹, nor for items sent to certain destinations¹⁰.

No compensation is payable in respect of a packet which has been destroyed or otherwise dealt with or disposed of by the Post Office pursuant to its statutory power¹¹ or the provisions of a scheme¹².

In the case of a parcel which was redirected after delivery at the place to which it was addressed¹³, no such compensation may be paid for the loss of, or damage to, the parcel, or any of its contents, while in the course of further transmission by post, unless full postage was prepaid on such redirection¹⁴.

1 Ie the Post Office Overseas Parcel Post Scheme 1982. As to the scheme see PARA 121 ante; as to schemes generally see PARA 83 ante.

2 For the meaning of 'postal packet' see PARA 121 note 3 ante.

3 Post Office Overseas Parcel Post Scheme 1982 para 24(1).

4 Ibid para 24(3)(a).

5 Ibid para 24(3)(b).

6 Ibid para 24(2)(a). 'Standard Service' means a service provided in respect of an outgoing parcel which, if Economy Service is available, is intended by the sender to be conveyed so as to arrive at its destination sooner than if it were sent as an Economy Service parcel: para 3(1). 'Economy Service' means a service provided in respect of an outgoing parcel intended by the sender to be conveyed so as to arrive at its destination later than if it were sent as a Standard Service parcel: para 3(1). 'Outgoing' means posted in the British postal area (see PARA 121 note 4 ante): para 3(1).

The Post Office Overseas Parcel Post Scheme 1982 para 24(2)(a) does not apply where a compensation fee has been paid: para 24(2)(a). Where such a fee has been paid, a higher maximum amount will apply depending on the fee paid: see PARA 120 post.

7 Post Office Overseas Parcel Post Scheme 1982 para 24(2A) (added by the Post Office Parcel Post Amendment (No 21) 1999).

8 Post Office Overseas Parcel Post Scheme 1982 para 24(5), (8), (10), Sch 3 Pt II.

9 Ibid para 24(15) (amended by the Post Office Overseas Parcel Post Amendment (No 20) Scheme 1998). See also the Post Office Overseas Parcel Post Scheme 1982 para 24(19).

10 Ibid para 24(14).

11 Ie its power under the Post Office Act 1953 s 8(3): see PARA 89 ante.

12 Post Office Overseas Parcel Post Scheme 1982 para 24(7).

13 Ie redirected under ibid para 25: see PARA 137 post.

14 Ibid para 24(6).

UPDATE

121-147 The Overseas Post

Post Office Overseas Letter Post Scheme 1982 replaced by the Post Office Overseas Letter Post Scheme 2001 (London Gazette, 16 March 2001). Post Office Overseas Letter Post Scheme 2001 renamed the Successor Postal Services Company Overseas Letter Post Scheme 2001: SI 2001/1148. Successor Postal Services Company Overseas Letter Post Scheme 2001 amended by the Consignia plc Overseas Letter Post Amendment

(No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Overseas Letter Post Amendment (No 2) Scheme 2001 (London Gazette, 17 August 2001); the Consignia plc Overseas Letter Post Amendment (No 3) Scheme 2001 (London Gazette, 14 December 2001); the Consignia plc Overseas Letter Post Amendment (No 4) Scheme 2002 (London Gazette, 28 June 2002); the Consignia plc Overseas Letter Post Amendment (No 5) Scheme 2002 (London Gazette, 28 October 2002); the Royal Mail Group plc Overseas Letter Post Amendment (No 6) Scheme 2003 (London Gazette, 11 April 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 7) Scheme 2003 (London Gazette, 2 May 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 8) Scheme 2003 (London Gazette, 3 October 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 9) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Overseas Letter Post Amendment (No 10) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Overseas Letter Post Amendment (No 11) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Overseas Letter Post Amendment (No 12) Scheme 2006 (London Gazette, 2 June 2006); the Royal Mail Group plc Overseas Letter Post Amendment [(No 13)] Scheme 2006 (London Gazette, 28 July 2006) (art 1 gives the citation '(No 12)', but this appears to be an error); the Royal Mail Group plc Overseas Letter Post Amendment (No 14) Scheme 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Overseas Letter Post Amendment (No 15) Scheme 2008 (London Gazette, 28 March 2008); and the Royal Mail Group Ltd Overseas Letter Post Amendment (No 16) Scheme 2009 (London Gazette, 27 March 2009).

Post Office Overseas Parcel Post Scheme 1982 replaced: see now the Post Office Overseas Parcel Post Scheme 2001 (London Gazette, 16 March 2001). The Post Office Overseas Parcel Post Scheme 2001 is renamed the Successor Postal Services Company Overseas Parcel Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Overseas Parcel Post Scheme 2001 is amended by the Consignia plc Overseas Parcel Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Overseas Parcel Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Overseas Parcel Post (Amendment No 3) Scheme 2002 (London Gazette, 21 December 2001); the Consignia plc Overseas Parcel Post (Amendment No 4) Scheme 2002 (London Gazette, 22 March 2002); the Royal Mail Group plc Overseas Parcel Post (Amendment No 5) Scheme 2003 (London Gazette, 14 March 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 6) Scheme 2003 (London Gazette, 21 March 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 7) Scheme 2003 (London Gazette, 19 December 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 8) Scheme 2004 (London Gazette, 10 September 2004); the Royal Mail Group plc Overseas Parcel Post (Amendment No 9) Scheme 2005 (London Gazette, 23 September 2005); the Royal Mail Group plc Overseas Parcel Post (Amendment No 10) Scheme 2006 (London Gazette, 18 August 2006); the Royal Mail Group Limited Overseas Parcel Post (Amendment No 11) Scheme 2007 (London Gazette, 13 July 2007); the Royal Mail Group Limited Overseas Parcel Post (Amendment No 12) Scheme 2008 (London Gazette, 4 April 2008); and the Royal Mail Group Limited Overseas Parcel Post (Amendment No 13) Scheme 2009 (London Gazette, 16 January 2009).

123 Overseas parcels for which the Post Office pays compensation

TEXT AND NOTES--Post Office Overseas Parcel Post Scheme 1982 replaced by the Successor Postal Services Company Overseas Parcel Post Scheme 2001 (see PARA 121). The paragraph numbers remain the same.

NOTE 9--2001 Scheme para 24(15), (19) amended: Royal Mail Group Limited Overseas Parcel Post (Amendment No 11) Scheme 2007 (London Gazette, 13 July 2007).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(5) THE OVERSEAS POST/(i) General Conditions/124. Articles which may not be sent in postal packets or parcels.

124. Articles which may not be sent in postal packets or parcels.

Save as the Post Office may either generally or in any particular case allow, there may not be conveyed or delivered in the overseas post any postal packet¹ or parcel² which it is a statutory offence³ to send by post⁴.

In addition, subject to the powers of the Post Office in respect of irregular packets and parcels⁵, there may not be posted, conveyed or delivered by post any postal packet or parcel which:

- (1) contains opium, morphine, cocaine or other narcotic⁶; any living creature except bees, leeches and silkworms⁷; anything which by the law of the country or place in which the packet or parcel is posted or to which it is addressed, or of any country or place through which it may pass, it is unlawful respectively to send, import or convey by post⁸; any imitation of a bank note⁹;
- (2) contains or bears any fictitious stamp (other than a fictitious stamp made with the approval of the Post Office) or counterfeit impression of a postal franking machine used under the direction or by the permission of the Post Office, or any counterfeit of any other impression authorised to be used to denote payment of postage or fees¹⁰;
- (3) in the case of parcels, contains or has thereon any letter, except as far as may be permitted by the relevant postal arrangement¹¹;
- (4) bears, except with due authority, any words, letters or marks which signify, or may reasonably lead the recipient to believe, that it is sent on Her Majesty's service¹²;
- (5) is of such form or colour, or so made up, as to be likely, in the opinion of the Post Office, to embarrass the officers of the Post Office in dealing with it¹³;
- (6) in the case of postal packets, has on the outer cover a metal fastener with sharp edges such as might injure any person dealing with the packet or obstruct or impede the performance of any postal operation¹⁴;
- (7) has anything written, printed or otherwise impressed upon or attached to it, which either by tending to prevent easy and quick reading of the address, or by its inconvenient proximity to the stamp denoting payment of postage, or in any other way, is likely in itself or in the manner in which it is written, printed, impressed or attached, in the opinion of the Post Office, to embarrass the officers of the Post Office in dealing with it¹⁵;
- (8) bears any stamp or impression of a franking machine, press or device denoting payment of postage or fees which is imperfect, mutilated or defaced, or across which anything has been written, printed or impressed¹⁶;
- (9) in the case of postal packets, a packet the cover or part of which is reserved for the address is divided into separate sections for the insertion of successive addresses¹⁷;
- (10) in the case of postal packets, a packet which has an entirely transparent cover or open panel¹⁸;
- (11) bears any stamp or impression purporting to denote payment of postage or fees which has previously been used to denote payment of postage or fees on another packet or parcel¹⁹;

- (12) in the case of postal packets, a packet consisting of or containing two or more postal packets addressed to different persons who are at different addresses, and in the case of parcels, consisting of or containing two or more parcels or postal packets addressed to different persons who are at different addresses²⁰;
- (13) whereon the payment of any postage or fees is denoted by an adhesive stamp or stamps, and where the stamp or stamps have not been securely affixed in such manner as the Post Office may require²¹;
- (14) which is an incoming postal packet, addressed to a person at an address within the British postal area, which was posted outside that area by or on behalf of any one person resident or carrying on business in that area, not being a packet addressed to that person or to an agent of that person, and having been produced and made ready for sending within the British postal area²²; or
- (15) which is an incoming postal packet, addressed to a person at an address within the British postal area, which was posted by or on behalf of any one person resident or carrying on business outside that area in a country other than the country in which he resides or carries on business²³.

Subject to the provisions of the overseas letter scheme²⁴ certain valuable articles²⁵ may not be posted, conveyed or delivered in postal packets other than in an insured letter or, where the law of the country of destination allows, an outgoing²⁶ uninsured registered letter²⁷.

- 1 For the meaning of 'postal packet' see PARA 121 note 3 ante.
- 2 For the meaning of 'parcel' see PARA 121 note 3 ante.
- 3 Ie an offence under the Post Office Act 1953 s 11(1): see PARA 88 ante.
- 4 Post Office Overseas Letter Post Scheme 1982 para 11(1) (as amended); Post Office Overseas Parcel Post Scheme 1982 para 6(1). As to the schemes in particular see PARA 121 ante; and as to schemes generally see PARA 83 ante.
- 5 Ie its powers under the Post Office Overseas Letter Post Scheme 1982 para 18 and the Post Office Overseas Parcel Post Scheme 1982 para 12: see PARA 132 post.
- 6 Post Office Overseas Letter Post Scheme 1982 para 11(2)(a)(i); Post Office Overseas Parcel Post Scheme 1982 para 6(2)(a)(i). Such narcotics may be sent for medical or scientific purposes in insured letters or in parcels to countries which admit them when sent for those purposes: Post Office Overseas Letter Post Scheme 1982 para 11(2)(a)(i); Post Office Overseas Parcel Post Scheme 1982 para 6(2)(a)(i). 'Insured letter' means any letter which is transmissible as an insured letter under the provisions of the Universal Postal Union Convention (see PARA 11 ante) and the detailed regulations made under it, and which facility is advertised under the trading name of 'International Registered': Post Office Overseas Letter Post Scheme 1982 para 3(1) (amended by the Post Office Overseas Letter Post Amendment (No 1) Scheme 1982; and the Post Office Overseas Letter Post Amendment (No 14) Scheme 1993). For the meaning of 'letter' see PARA 121 note 3 ante. As to insured letters see PARA 143 post.
- 7 Post Office Overseas Letter Post Scheme 1982 para 11(2)(a)(ii); Post Office Overseas Parcel Post Scheme 1982 para 6(2)(a)(ii). Parasites or destroyers of noxious insects used for controlling those insects may be exchanged in postal packets (but not in parcels) between officially recognised institutions: Post Office Overseas Letter Post Scheme 1982 para 11(2)(a)(ii).
- 8 Post Office Overseas Letter Post Scheme 1982 para 11(2)(a)(iii); Post Office Overseas Parcel Post Scheme 1982 para 6(2)(a)(iii). A postal packet of any description containing articles liable to customs duty may not be posted unless the importation of such articles in postal packets of that description is permitted by the law of the country of destination, the packet is registered if the law of that country so requires, and for customs purposes the packet bears such label and has attached or contains such declarations as may be required by or under Treasury regulations: Post Office Overseas Letter Post Scheme 1982 para 15(2). As to customs regulations see PARA 164 et seq post.
- 9 Post Office Overseas Letter Post Scheme 1982 para 11(2)(a)(iv); Post Office Overseas Parcel Post Scheme 1982 para 6(2)(a)(iv). The schemes refer to a bank note within the meaning of the Criminal Justice Act 1925 s 38 (repealed).

10 Post Office Overseas Letter Post Scheme 1982 para 11(2)(b); Post Office Overseas Parcel Post Scheme 1982 para 6(2)(b). As to fictitious stamps see PARA 177 post.

11 Post Office Overseas Parcel Post Scheme 1982 para 6(2)(c). 'Letter' includes any communication in the nature of current and personal correspondence: para 3(1). In relation to parcels, 'postal arrangement' means an arrangement made by Her Majesty or by the Post Office with respect to the conveyance by post of parcels between the British postal area (see PARA 121 note 4 ante) and places outside that area, or between places outside that area, whether through that area or not: para 3(1).

12 Post Office Overseas Letter Post Scheme 1982 para 11(2)(c); Post Office Overseas Parcel Post Scheme 1982 para 6(2)(d).

13 Post Office Overseas Letter Post Scheme 1982 para 11(2)(d); Post Office Overseas Parcel Post Scheme 1982 para 6(2)(e). 'Officer of the Post Office' means a person engaged in the business of the Post Office: Post Office Overseas Letter Post Scheme 1982 para 3(1); Post Office Overseas Parcel Post Scheme 1982 para 3(1).

14 Post Office Overseas Letter Post Scheme 1982 para 11(2)(e).

15 Ibid para 11(2)(f); Post Office Overseas Parcel Post Scheme 1982 para 11(2)(f).

16 Post Office Overseas Letter Post Scheme 1982 para 11(2)(g); Post Office Overseas Parcel Post Scheme 1982 para 11(2)(g). However, a stamp does not infringe the rule by reason only that it is distinctly perforated with initials if the holes are no larger than the dividing perforations in a sheet of stamps: Post Office Overseas Letter Post Scheme 1982 para 11(2)(g); Post Office Overseas Parcel Post Scheme 1982 para 6(2)(g).

17 Post Office Overseas Letter Post Scheme 1982 para 11(2)(h).

18 Ibid para 11(2)(i). However, there may be not more than two transparent panels in the cover, in which case: (1) where is one transparent cover, such panel must be used solely for the purpose of showing the address; and (2) where there are two such panels, one must be used solely for the address, while the other must be used for the purpose of advertising: para 11(2)(i).

19 Post Office Overseas Letter Post Scheme 1982 para 11(2)(j); Post Office Overseas Parcel Post Scheme 1982 para 11(2)(h).

20 Post Office Overseas Letter Post Scheme 1982 para 11(2)(k); Post Office Overseas Parcel Post Scheme 1982 para 11(2)(i).

21 Post Office Overseas Letter Post Scheme 1982 para 11(2)(l); Post Office Overseas Parcel Post Scheme 1982 para 11(2)(j).

22 Post Office Overseas Letter Post Scheme 1982 para 11(2)(m) (added by the Post Office Overseas Letter Post Amendment (No 17) Scheme 1998). See also PARA 125 post.

23 Post Office Overseas Letter Post Scheme 1982 para 11(2)(m) (added by the Post Office Overseas Letter Post Amendment (No 17) Scheme 1998). See also PARA 125 post.

24 Ie the Post Office Overseas Letter Post Scheme 1982.

25 This prohibition applies to postal packets containing coin, bank notes, currency notes, securities or instruments payable to bearer, travellers' cheques, platinum, gold or silver (whether manufactured or not), precious stones, jewels or other valuable articles: Post Office Overseas Letter Post Scheme 1982 para 11(4). 'Coin' means coin (whether currency or not), except such as is used or designed for the purposes of ornament: para 3(1).

26 For the meaning of 'outgoing' see PARA 122 note 7 ante.

27 Post Office Overseas Letter Post Scheme 1982 para 11(4). For the meaning of 'insured letter' see note 6 supra; as to insured letters see PARA 143 post. As to registered letters see PARA 140 post.

UPDATE

121-147 The Overseas Post

Post Office Overseas Letter Post Scheme 1982 replaced by the Post Office Overseas Letter Post Scheme 2001 (London Gazette, 16 March 2001). Post Office Overseas Letter Post Scheme 2001 renamed the Successor Postal Services Company Overseas Letter Post Scheme 2001: SI 2001/1148. Successor Postal Services Company Overseas Letter Post Scheme 2001 amended by the Consignia plc Overseas Letter Post Amendment (No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Overseas Letter Post Amendment (No 2) Scheme 2001 (London Gazette, 17 August 2001); the Consignia plc Overseas Letter Post Amendment (No 3) Scheme 2001 (London Gazette, 14 December 2001); the Consignia plc Overseas Letter Post Amendment (No 4) Scheme 2002 (London Gazette, 28 June 2002); the Consignia plc Overseas Letter Post Amendment (No 5) Scheme 2002 (London Gazette, 28 October 2002); the Royal Mail Group plc Overseas Letter Post Amendment (No 6) Scheme 2003 (London Gazette, 11 April 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 7) Scheme 2003 (London Gazette, 2 May 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 8) Scheme 2003 (London Gazette, 3 October 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 9) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Overseas Letter Post Amendment (No 10) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Overseas Letter Post Amendment (No 11) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Overseas Letter Post Amendment (No 12) Scheme 2006 (London Gazette, 2 June 2006); the Royal Mail Group plc Overseas Letter Post Amendment [(No 13)] Scheme 2006 (London Gazette, 28 July 2006) (art 1 gives the citation '(No 12)', but this appears to be an error); the Royal Mail Group plc Overseas Letter Post Amendment (No 14) Scheme 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Overseas Letter Post Amendment (No 15) Scheme 2008 (London Gazette, 28 March 2008); and the Royal Mail Group Ltd Overseas Letter Post Amendment (No 16) Scheme 2009 (London Gazette, 27 March 2009).

Post Office Overseas Parcel Post Scheme 1982 replaced: see now the Post Office Overseas Parcel Post Scheme 2001 (London Gazette, 16 March 2001). The Post Office Overseas Parcel Post Scheme 2001 is renamed the Successor Postal Services Company Overseas Parcel Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Overseas Parcel Post Scheme 2001 is amended by the Consignia plc Overseas Parcel Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Overseas Parcel Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Overseas Parcel Post (Amendment No 3) Scheme 2002 (London Gazette, 21 December 2001); the Consignia plc Overseas Parcel Post (Amendment No 4) Scheme 2002 (London Gazette, 22 March 2002); the Royal Mail Group plc Overseas Parcel Post (Amendment No 5) Scheme 2003 (London Gazette, 14 March 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 6) Scheme 2003 (London Gazette, 21 March 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 7) Scheme 2003 (London Gazette, 19 December 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 8) Scheme 2004 (London Gazette, 10 September 2004); the Royal Mail Group plc Overseas Parcel Post (Amendment No 9) Scheme 2005 (London Gazette, 23 September 2005); the Royal Mail Group plc Overseas Parcel Post (Amendment No 10) Scheme 2006 (London Gazette, 18 August 2006); the Royal Mail Group Limited Overseas Parcel Post (Amendment No 11) Scheme 2007 (London Gazette, 13 July 2007); the Royal Mail Group Limited Overseas Parcel Post (Amendment No 12) Scheme 2008 (London Gazette, 4 April 2008); and the Royal Mail Group Limited Overseas Parcel Post (Amendment No 13) Scheme 2009 (London Gazette, 16 January 2009).

124 Articles which may not be sent in postal packets or parcels

TEXT AND NOTES--Post Office Overseas Letter Post Scheme 1982 replaced by the Successor Postal Services Company Overseas Letter Post Scheme 2001 (see PARA 121). The paragraph numbers remain the same. Post Office Overseas Parcel Post Scheme 1982 replaced by the Successor Postal Services Company Overseas Parcel Post Scheme 2001 (see PARA 121). The paragraph numbers remain the same.

TEXT AND NOTES 1-23--Also, head (16) contains or bears any franking mark which has been made by franking equipment used otherwise than in accordance with the terms of the franking scheme or any franking mark which does not in any other respect comply with that scheme: Successor Postal Services Company Overseas Letter Post Scheme 2001 para 11(1)(n). As to the franking scheme see the Royal Mail Scheme for Franking Letters and Parcels 2008 (London Gazette, 28 March 2008).

2001 Scheme para 6 substituted: Royal Mail Group Ltd Overseas Letter Post Amendment (No 15) Scheme 2008 (London Gazette, 28 March 2008).

TEXT AND NOTES 1-16--Successor Postal Services Company Overseas Parcel Post Scheme 2001 para 6 amended: Royal Mail Group Limited Overseas Parcel Post (Amendment No 12) Scheme 2008 (London Gazette, 4 April 2008).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(5) THE OVERSEAS POST/(i) General Conditions/125. Inward international remail.

125. Inward international remail.

In order to prevent abuse of the terminal dues system under which postal administrations charge each other for the delivery of international mail, the Post Office has the right under the following circumstances to return or surcharge inward international postal packets¹.

If, within any period of 30 consecutive days, the Post Office receives incoming postal packets² addressed to persons³ at addresses within the British postal area⁴ which were posted outside that area by or on behalf of any one person resident or carrying on business in that area, not being packets addressed to that person or an agent of that person, and having been produced and made ready for sending within the British postal area, all or any such packets so received within that period may, if the Post Office so determines be either detained or returned to the country or place of origin, or, at the discretion of the Post Office, forward charged, in the case of each packet, with such amount of postage as the Post Office may in the particular case determine, not exceeding the amount of postage which would have been prepayable if it had been originally posted in the British postal area singly as a first class letter⁵.

If, within any period of 30 days the Post Office receives more than 50 incoming postal packets which are addressed to persons at addresses within the British postal area, which were posted by or on behalf of any one person resident or carrying on business outside that area in a country other than the country in which he resides or carries on business, all or any of such packets so received may, at the discretion of the Post Office, be detained and returned to the country in which they were posted or to the country in which the sender resides or carries on business⁶.

1 See the Universal Postal Convention art 25 (as amended). As to the Universal Postal Convention see PARA 11 ante. See also Joined Cases T-133/95, T-204/95 *International Express Carriers Conference v EC Commission* (1998) Times, 1 October, ECJ.

2 For the meaning of 'postal packet' see PARA 121 note 3 ante.

3 'Person' includes any corporation or unincorporated association of persons or partnership: Post Office Overseas Letter Post Scheme 1982 para 11(3)(c).

4 For the meaning of 'British postal area' see PARA 121 note 3 ante.

5 Post Office Overseas Letter Post Scheme 1982 para 11(3)(a), (b) (substituted by the Post Office Overseas Letter Post Amendment (No 17) Scheme 1998). As to the scheme see PARA 121 ante; and as to schemes generally see PARA 83 ante.

6 Post Office Overseas Letter Post Scheme 1982 para 11(5) (amended by the Post Office Overseas Letter Post Amendment (No 17) Scheme 1998).

UPDATE

121-147 The Overseas Post

Post Office Overseas Letter Post Scheme 1982 replaced by the Post Office Overseas Letter Post Scheme 2001 (London Gazette, 16 March 2001). Post Office Overseas Letter Post Scheme 2001 renamed the Successor Postal Services Company Overseas Letter Post Scheme 2001: SI 2001/1148. Successor Postal Services Company Overseas Letter Post Scheme 2001 amended by the Consignia plc Overseas Letter Post Amendment (No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Overseas Letter Post Amendment (No 2) Scheme 2001 (London Gazette, 17 August 2001); the Consignia plc Overseas Letter Post Amendment (No 3) Scheme 2001 (London Gazette, 14 December 2001); the Consignia plc Overseas Letter Post Amendment (No 4) Scheme 2002 (London Gazette, 28 June 2002); the Consignia plc Overseas Letter Post Amendment (No 5) Scheme 2002 (London Gazette, 28 October 2002); the Royal Mail Group plc Overseas Letter Post Amendment (No 6) Scheme 2003 (London Gazette, 11 April 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 7) Scheme 2003 (London Gazette, 2 May 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 8) Scheme 2003 (London Gazette, 3 October 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 9) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Overseas Letter Post Amendment (No 10) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Overseas Letter Post Amendment (No 11) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Overseas Letter Post Amendment (No 12) Scheme 2006 (London Gazette, 2 June 2006); the Royal Mail Group plc Overseas Letter Post Amendment [(No 13)] Scheme 2006 (London Gazette, 28 July 2006) (art 1 gives the citation '(No 12)', but this appears to be an error); the Royal Mail Group plc Overseas Letter Post Amendment (No 14) Scheme 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Overseas Letter Post Amendment (No 15) Scheme 2008 (London Gazette, 28 March 2008); and the Royal Mail Group Ltd Overseas Letter Post Amendment (No 16) Scheme 2009 (London Gazette, 27 March 2009).

Post Office Overseas Parcel Post Scheme 1982 replaced: see now the Post Office Overseas Parcel Post Scheme 2001 (London Gazette, 16 March 2001). The Post Office Overseas Parcel Post Scheme 2001 is renamed the Successor Postal Services Company Overseas Parcel Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Overseas Parcel Post Scheme 2001 is amended by the Consignia plc Overseas Parcel Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Overseas Parcel Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Overseas Parcel Post (Amendment No 3) Scheme 2002 (London Gazette, 21 December 2001); the Consignia plc Overseas Parcel Post (Amendment No 4) Scheme 2002 (London Gazette, 22 March 2002); the Royal Mail Group plc Overseas Parcel Post (Amendment No 5) Scheme 2003 (London Gazette, 14 March 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 6) Scheme 2003 (London Gazette, 21 March 2003); the Royal Mail Group plc

Overseas Parcel Post (Amendment No 7) Scheme 2003 (London Gazette, 19 December 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 8) Scheme 2004 (London Gazette, 10 September 2004); the Royal Mail Group plc Overseas Parcel Post (Amendment No 9) Scheme 2005 (London Gazette, 23 September 2005); the Royal Mail Group plc Overseas Parcel Post (Amendment No 10) Scheme 2006 (London Gazette, 18 August 2006); the Royal Mail Group Limited Overseas Parcel Post (Amendment No 11) Scheme 2007 (London Gazette, 13 July 2007); the Royal Mail Group Limited Overseas Parcel Post (Amendment No 12) Scheme 2008 (London Gazette, 4 April 2008); and the Royal Mail Group Limited Overseas Parcel Post (Amendment No 13) Scheme 2009 (London Gazette, 16 January 2009).

125 Inward international remail

TEXT AND NOTES--Post Office Overseas Letter Post Scheme 1982 replaced by the Successor Postal Services Company Overseas Letter Post Scheme 2001 (see PARA 121). The paragraph numbers remain the same.

NOTES--See Joined Cases C-147/97 and C-148/97 *Deutsche Post AG v Gesellschaft für Zahlungssysteme mbH* [2000] 4 CMLR 838, ECJ.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(5) THE OVERSEAS POST/(i) General Conditions/126. Limits of size and weight.

126. Limits of size and weight.

Except as the Post Office may generally or in any particular case allow, no postal packet¹ of any description may be posted, conveyed or delivered unless its weight and size are within the respective limits of weight and size applicable to a packet of that description²; nor may a parcel³ be posted, conveyed or delivered unless its weight and size are within the limits applicable to parcels⁴.

1 For the meaning of 'postal packet' see PARA 121 note 3 ante.

2 Post Office Overseas Letter Post Scheme 1982 para 14, Sch 5. As to the scheme see PARA 121 ante, and as to schemes generally see PARA 83 ante.

3 For the meaning of 'parcel' see PARA 121 note 4 ante.

4 As to these limits see the Post Office Overseas Parcel Post Scheme 1982 para 8. As to this scheme see PARA 121 ante.

UPDATE

121-147 The Overseas Post

Post Office Overseas Letter Post Scheme 1982 replaced by the Post Office Overseas Letter Post Scheme 2001 (London Gazette, 16 March 2001). Post Office Overseas Letter Post Scheme 2001 renamed the Successor Postal Services Company Overseas Letter Post Scheme 2001: SI 2001/1148. Successor Postal Services Company Overseas Letter Post Scheme 2001 amended by the Consignia plc Overseas Letter Post Amendment (No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Overseas

Letter Post Amendment (No 2) Scheme 2001 (London Gazette, 17 August 2001); the Consignia plc Overseas Letter Post Amendment (No 3) Scheme 2001 (London Gazette, 14 December 2001); the Consignia plc Overseas Letter Post Amendment (No 4) Scheme 2002 (London Gazette, 28 June 2002); the Consignia plc Overseas Letter Post Amendment (No 5) Scheme 2002 (London Gazette, 28 October 2002); the Royal Mail Group plc Overseas Letter Post Amendment (No 6) Scheme 2003 (London Gazette, 11 April 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 7) Scheme 2003 (London Gazette, 2 May 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 8) Scheme 2003 (London Gazette, 3 October 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 9) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Overseas Letter Post Amendment (No 10) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Overseas Letter Post Amendment (No 11) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Overseas Letter Post Amendment (No 12) Scheme 2006 (London Gazette, 2 June 2006); the Royal Mail Group plc Overseas Letter Post Amendment [(No 13)] Scheme 2006 (London Gazette, 28 July 2006) (art 1 gives the citation '(No 12)', but this appears to be an error); the Royal Mail Group plc Overseas Letter Post Amendment (No 14) Scheme 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Overseas Letter Post Amendment (No 15) Scheme 2008 (London Gazette, 28 March 2008); and the Royal Mail Group Ltd Overseas Letter Post Amendment (No 16) Scheme 2009 (London Gazette, 27 March 2009).

Post Office Overseas Parcel Post Scheme 1982 replaced: see now the Post Office Overseas Parcel Post Scheme 2001 (London Gazette, 16 March 2001). The Post Office Overseas Parcel Post Scheme 2001 is renamed the Successor Postal Services Company Overseas Parcel Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Overseas Parcel Post Scheme 2001 is amended by the Consignia plc Overseas Parcel Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Overseas Parcel Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Overseas Parcel Post (Amendment No 3) Scheme 2002 (London Gazette, 21 December 2001); the Consignia plc Overseas Parcel Post (Amendment No 4) Scheme 2002 (London Gazette, 22 March 2002); the Royal Mail Group plc Overseas Parcel Post (Amendment No 5) Scheme 2003 (London Gazette, 14 March 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 6) Scheme 2003 (London Gazette, 21 March 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 7) Scheme 2003 (London Gazette, 19 December 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 8) Scheme 2004 (London Gazette, 10 September 2004); the Royal Mail Group plc Overseas Parcel Post (Amendment No 9) Scheme 2005 (London Gazette, 23 September 2005); the Royal Mail Group plc Overseas Parcel Post (Amendment No 10) Scheme 2006 (London Gazette, 18 August 2006); the Royal Mail Group Limited Overseas Parcel Post (Amendment No 11) Scheme 2007 (London Gazette, 13 July 2007); the Royal Mail Group Limited Overseas Parcel Post (Amendment No 12) Scheme 2008 (London Gazette, 4 April 2008); and the Royal Mail Group Limited Overseas Parcel Post (Amendment No 13) Scheme 2009 (London Gazette, 16 January 2009).

126 Limits of size and weight

NOTE 2--Post Office Overseas Letter Post Scheme para 14, Sch 5 now Successor Postal Services Company Overseas Letter Post Scheme 2001 para 14, Sch 6 (Sch 6 replaced by the Royal Mail Group Ltd Overseas Letter Post Amendment (No 15) Scheme 2008 (London Gazette, 28 March 2008)).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(5) THE OVERSEAS POST/(i) General Conditions/127. Packing.

127. Packing.

Every postal packet¹ or parcel² must be made up and secured in such a manner as, in the opinion of the Post Office, is calculated to prevent injury to other packets, to any receptacle in which it is conveyed or other postal equipment, to an officer of the Post Office³, or to any other person who may deal with it⁴. Particular conditions apply to particular classes of postal packets⁵. Parcels must be made up so as to preserve the contents from loss or damage and to prevent any tampering with the contents⁶.

It is a condition of payment of compensation for loss or damage⁷ in respect of a postal packet or parcel that certain requirements as to packing have been complied with⁸, and there are special additional requirements in the case of outgoing⁹ insured letters¹⁰.

1 For the meaning of 'postal packet' see PARA 121 note 3 ante.

2 For the meaning of 'parcel' see PARA 121 note 4 ante.

3 For the meaning of 'officer of the Post Office' see PARA 124 note 13 ante.

4 Post Office Overseas Letter Post Scheme 1982 para 13(1); Post Office Overseas Parcel Post Scheme 1982 para 7(1). As to the schemes see PARA 121 ante; and as to schemes generally see PARA 83 ante.

5 As to conditions relating to letters see the Post Office Overseas Letter Post Scheme 1982 para 20; as to conditions relating to postcards see PARA 21; as to conditions relating to printed packets see PARAS 12, 22 (para 22 amended by the Post Office Overseas Letter Post Amendment (No 12) Scheme 1991; and the Post Office Overseas Letter Post Amendment (No 16) Scheme 1996), the Post Office Overseas Letter Post Scheme 1982 23; as to the conditions relating to small packets see PARAS 12, 24 (para 24 substituted by the Post Office Overseas Letter Post Amendment (No 12) Scheme 1991; and amended by the Post Office Overseas Letter Post Amendment (No 13) Scheme 1991); as to the conditions relating to literature for the blind see the Post Office Overseas Letter Post Scheme 1982 para 25 (amended by the Post Office Overseas Letter Post Amendment (No 12) Scheme 1991); as to air mail packets see the Post Office Overseas Letter Post Scheme 1982 para 26 (amended by the Post Office Overseas Letter Post Amendment (No 12) Scheme 1991). For the meaning of 'air mail packet' see PARA 129 note 2 post).

6 Ibid the Post Office Overseas Letter Post Scheme 1982 para 7(1). Articles in parcels must be adequately packed as a protection against damage, and there are particular requirements as to the packing of articles which are fragile or liable to damage by bending, in which case the parcel must be marked conspicuously 'FRAGILE WITH CARE' or 'DO NOT BEND' (as appropriate) in capital letters above the address: para 7(2)(a),(b). A parcel containing perishable articles must likewise be marked 'PERISHABLE': para 7(2)(c).

7 As to compensation for loss or damage see PARA 122 ante.

8 For packets, the packing requirements are those set out in the Post Office Overseas Letter Post Scheme 1982 paras 33(3), 36(6), 37(5), Sch 9. For parcels, the packing requirements are those set out in the Post Office Overseas Parcel Post Scheme 1982 para 24(5), Sch 3 Pt II.

9 For the meaning of 'outgoing' see PARA 122 note 7 ante.

10 See the Post Office Overseas Letter Post Scheme 1982 para 35(1)(c) (amended by the Post Office Overseas Letter Post Amendment (No 16) Scheme 1996). For the meaning of 'insured letter' see PARA 124 note 6 ante, and as to insured letters see PARA 134 post.

UPDATE

121-147 The Overseas Post

Post Office Overseas Letter Post Scheme 1982 replaced by the Post Office Overseas Letter Post Scheme 2001 (London Gazette, 16 March 2001). Post Office Overseas Letter Post Scheme 2001 renamed the Successor Postal Services Company Overseas Letter Post Scheme 2001: SI 2001/1148. Successor Postal Services Company Overseas Letter Post Scheme 2001 amended by the Consignia plc Overseas Letter Post Amendment (No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Overseas Letter Post Amendment (No 2) Scheme 2001 (London Gazette, 17 August 2001); the Consignia plc Overseas Letter Post Amendment (No 3) Scheme 2001 (London Gazette, 14 December 2001); the Consignia plc Overseas Letter Post Amendment (No 4) Scheme 2002 (London Gazette, 28 June 2002); the Consignia plc Overseas Letter Post Amendment (No 5) Scheme 2002 (London Gazette, 28 October 2002); the Royal Mail Group plc Overseas Letter Post Amendment (No 6) Scheme 2003 (London Gazette, 11 April 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 7) Scheme 2003 (London Gazette, 2 May 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 8) Scheme 2003 (London Gazette, 3 October 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 9) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Overseas Letter Post Amendment (No 10) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Overseas Letter Post Amendment (No 11) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Overseas Letter Post Amendment (No 12) Scheme 2006 (London Gazette, 2 June 2006); the Royal Mail Group plc Overseas Letter Post Amendment [(No 13)] Scheme 2006 (London Gazette, 28 July 2006) (art 1 gives the citation '(No 12)', but this appears to be an error); the Royal Mail Group plc Overseas Letter Post Amendment (No 14) Scheme 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Overseas Letter Post Amendment (No 15) Scheme 2008 (London Gazette, 28 March 2008); and the Royal Mail Group Ltd Overseas Letter Post Amendment (No 16) Scheme 2009 (London Gazette, 27 March 2009).

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TEXT AND NOTES--Post Office Overseas Letter Post Scheme 1982 replaced by the Successor Postal Services Company Overseas Letter Post Scheme 2001 (see PARA 121). The paragraph numbers remain the same unless otherwise stated.

NOTE 6--Correction: Post Office Overseas Parcel Post Scheme 1982 wrongly cited as Post Office Overseas Letter Post Scheme 1982.

NOTE 8--Post Office Overseas Letter Post Scheme 1982 paras 36(6), 37(5), Sch 9 now Successor Postal Services Company Overseas Letter Post Scheme 2001 para 37(6), Sch 12 (para 37(6) amended by the Consignia plc Overseas Letter Post (Amendment No 5) Scheme 2002 (London Gazette, 28 October 2002)).

NOTE 10--Post Office Overseas Letter Post Scheme 1982 para 35(1)(c) now Successor Postal Services Company Overseas Letter Post Scheme 2001 para 36 (as substituted by the Consignia plc Overseas Letter Post (Amendment No 5) Scheme 2002 (London Gazette, 28 October 2002)).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(5) THE OVERSEAS POST/(i) General Conditions/128. Posting.

128. Posting.

On the posting of an outgoing¹ postal packet², the sender must fill up such certificates and other documents and affix such labels respecting the contents of the packet as may be required by the law of the country or place in which it is posted or to which it is addressed, or as the Post Office may direct³.

On the posting of an outgoing parcel⁴, the sender must complete such documents and affix such labels as the Post Office may require from time to time⁵. All outgoing parcels⁶ must be posted:

- (1) by being handed to an officer on duty at the counter of a post office designated by the Post Office for that purpose on the days and within the hours during which the office is open to the public for the posting of parcels⁷; or
- (2) in circumstances in which the Post Office permits that mode of posting, by being handed to an officer of the Post Office⁸ authorised to receive parcels for the post otherwise than at such a post office counter⁹.

Every outgoing parcel must bear the name and full address of the addressee and of the sender in ink¹⁰.

1 For the meaning of 'outgoing' see PARA 122 note 7 ante.

2 For the meaning of 'postal packet' see PARA 121 note 3 ante.

3 Post Office Overseas Letter Post Scheme 1982 para 13(2). As to the scheme see PARA 121 ante; and as to schemes generally see PARA 83 ante. A postal packet which contains articles liable to customs duty is required to bear such a label and have attached or contain such declarations as may be required by Treasury regulations: para 15(2)(c) As to the customs enactments and regulations see PARA 164 et seq post.

4 For the meaning of 'parcel' see PARA 121 note 4 ante.

5 Post Office Overseas Parcel Post Scheme 1982 para 10(3).

- 6 For similar requirements as to the posting of registered postal packets and insured letters see PARAS 140, 143 post respectively.
- 7 Post Office Overseas Parcel Post Scheme 1982 para 10(1)(a).
- 8 For the meaning of 'officer of the Post Office' see PARA 124 note 13 ante.
- 9 Post Office Overseas Parcel Post Scheme 1982 para 10(1)(b).
- 10 Ibid para 10(2).

UPDATE

121-147 The Overseas Post

Post Office Overseas Letter Post Scheme 1982 replaced by the Post Office Overseas Letter Post Scheme 2001 (London Gazette, 16 March 2001). Post Office Overseas Letter Post Scheme 2001 renamed the Successor Postal Services Company Overseas Letter Post Scheme 2001: SI 2001/1148. Successor Postal Services Company Overseas Letter Post Scheme 2001 amended by the Consignia plc Overseas Letter Post Amendment (No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Overseas Letter Post Amendment (No 2) Scheme 2001 (London Gazette, 17 August 2001); the Consignia plc Overseas Letter Post Amendment (No 3) Scheme 2001 (London Gazette, 14 December 2001); the Consignia plc Overseas Letter Post Amendment (No 4) Scheme 2002 (London Gazette, 28 June 2002); the Consignia plc Overseas Letter Post Amendment (No 5) Scheme 2002 (London Gazette, 28 October 2002); the Royal Mail Group plc Overseas Letter Post Amendment (No 6) Scheme 2003 (London Gazette, 11 April 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 7) Scheme 2003 (London Gazette, 2 May 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 8) Scheme 2003 (London Gazette, 3 October 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 9) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Overseas Letter Post Amendment (No 10) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Overseas Letter Post Amendment (No 11) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Overseas Letter Post Amendment (No 12) Scheme 2006 (London Gazette, 2 June 2006); the Royal Mail Group plc Overseas Letter Post Amendment [(No 13)] Scheme 2006 (London Gazette, 28 July 2006) (art 1 gives the citation '(No 12)', but this appears to be an error); the Royal Mail Group plc Overseas Letter Post Amendment (No 14) Scheme 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Overseas Letter Post Amendment (No 15) Scheme 2008 (London Gazette, 28 March 2008); and the Royal Mail Group Ltd Overseas Letter Post Amendment (No 16) Scheme 2009 (London Gazette, 27 March 2009).

Post Office Overseas Parcel Post Scheme 1982 replaced: see now the Post Office Overseas Parcel Post Scheme 2001 (London Gazette, 16 March 2001). The Post Office Overseas Parcel Post Scheme 2001 is renamed the Successor Postal Services Company Overseas Parcel Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Overseas Parcel Post Scheme 2001 is amended by the Consignia plc Overseas Parcel Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Overseas Parcel Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Overseas Parcel Post (Amendment No 3) Scheme 2002 (London Gazette, 21 December 2001); the Consignia plc Overseas Parcel Post (Amendment No 4) Scheme 2002 (London Gazette, 22 March 2002); the Royal Mail Group plc Overseas Parcel Post (Amendment No 5) Scheme 2003 (London Gazette, 14 March 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 6) Scheme 2003 (London Gazette, 21 March 2003); the Royal Mail Group plc

Overseas Parcel Post (Amendment No 7) Scheme 2003 (London Gazette, 19 December 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 8) Scheme 2004 (London Gazette, 10 September 2004); the Royal Mail Group plc Overseas Parcel Post (Amendment No 9) Scheme 2005 (London Gazette, 23 September 2005); the Royal Mail Group plc Overseas Parcel Post (Amendment No 10) Scheme 2006 (London Gazette, 18 August 2006); the Royal Mail Group Limited Overseas Parcel Post (Amendment No 11) Scheme 2007 (London Gazette, 13 July 2007); the Royal Mail Group Limited Overseas Parcel Post (Amendment No 12) Scheme 2008 (London Gazette, 4 April 2008); and the Royal Mail Group Limited Overseas Parcel Post (Amendment No 13) Scheme 2009 (London Gazette, 16 January 2009).

128 Posting

NOTE 3--Post Office Overseas Letter Post Scheme 1982 now Successor Postal Services Company Overseas Letter Post Scheme 2001 (see PARA 121). The paragraph numbers remain the same.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(5) THE OVERSEAS POST/(i) General Conditions/129. Rates of international postage.

129. Rates of international postage.

The rate of postage charged on a postal packet¹ depends upon the description of the packet and on the country or place to which it is addressed².

Similarly postage is charged and payable on parcels³ at rates depending upon weight and destination⁴. On parcels which exceed the limits of weight⁵ and which the Post Office allows to be posted, postage is charged and payable at rates fixed by the Post Office⁶.

The Post Office may remit in whole or in part any postage or other sums chargeable on postal packets or parcels in such cases or classes of cases as it may determine⁷.

1 For the meaning of 'postal packet' see PARA 121 note 3 ante.

2 As to the rates of postage for European airmail letters and postcards see the Post Office Overseas Letters Scheme 1982 para 5 (substituted by the Post Office Overseas Letter Post Amendment (No 17) Scheme 1998), Post Office Overseas Letters Scheme 1982 Sch 1, Pts 2A, 2B (Sch 1 Pts 2A, 2B substituted by the Post Office Overseas Letter Post Amendment (No 17) Scheme 1998). 'European airmail letters and postcards' means outgoing letters and postcards for transmission to any European destination and intended by the sender to be conveyed through any part of the post by the European Airmail Letter and Postcard Service, whether or not bearing any indication that it should be so conveyed: Post Office Overseas Letters Scheme 1982 para 3(1) (amended by the Post Office Overseas Letter Post Amendment (No 10) Scheme 1990). For the meaning of 'letter' and 'postcard' see PARA 121 note 3 ante.

As to the rates of postage for literature for the blind see the Post Office Overseas Letters Scheme 1982 para 8. For the meaning of 'literature for the blind' see PARA 3(1).

As to the rates of postage for air mail packets see PARA 9 (substituted by the Post Office Overseas Letter Post Amendment (No 18) Scheme 1999), Post Office Overseas Letters Scheme 1982 Sch 3, Pts I, II (Sch 3 Pts I, II substituted by the Post Office Overseas Letter Post Amendment (No 18) Scheme 1999), Post Office Overseas Letters Scheme 1982 Sch 4 (substituted by the Post Office Overseas Letter Post Amendment (No 17) Scheme 1998). 'Air mail packet' means an outgoing postal packet for transmission to a destination outside Europe and intended by the sender to be conveyed through any part of its course in the post by an air mail service: Post Office Overseas Letters Scheme 1982 para 3(1) (amended by the Post Office Overseas Letter Post Amendment (No 10) Scheme 1990). Air mail packets include:

(1) aerogrammes (air mail packets not being a Forces aerogramme, consisting of a letter written on a special aerogramme form provided or approved by the Post Office: Post Office Overseas Letters Scheme 1982 para 3(1) (amended by the Post Office Overseas Letter Post Amendment (No 12) Scheme 1991));

(2) Forces aerogrammes (air mail packets consisting of a letter written on a special Forces aerogramme form provided by the Post Office and addressed to, or sent to the British postal area by a member of the armed forces of the United Kingdom (see PARA 18 note 1 ante) serving abroad or on board a ship of the Royal Navy on the high seas or in any post or place outside the British postal area, or a member of the armed forces of any other Commonwealth country or any state allied with the United Kingdom serving with British units or using a British Forces address: Post Office Overseas Letters Scheme 1982 para 3(1) (amended by the Post Office Overseas Letter Post Amendment (No 12) Scheme 1991)); and

(3) aircards (prepaid outgoing air mail packets consisting of a letter written on a pictorial card provided by the Post Office: Post Office Overseas Letters Scheme 1982 para 3(1) (amended by the Post Office Overseas Letter Post Amendment (No 12) Scheme 1991)).

In the context of the Post Office Overseas Letter Post Scheme 1982, packets for transmission through a British Forces Post Office or sent to a British Forces Post Office numbered address through an ordinary post office may be sent as Special Delivery packets: Post Office Overseas Letters Scheme 1982 para 3(1) (amended by the Post Office Overseas Letter Post Amendment (No 18) Scheme 1999). The Post Office may pay compensation in respect of loss of or damage to such packets, the amount of compensation being dependent on the fee paid in respect of the packet: Post Office Overseas Letters Scheme 1982 para 33A, Sch 6A (both added by the Post Office Overseas Letter Post Amendment (No 18) Scheme 1999).

As to the rates of postage for printed packets, European airmail printed packets, small packets, European airmail small packets, and airpacks see the Post Office Overseas Letters Scheme 1982 para 10 (added by the Post Office Overseas Letter Post Amendment (No 17) Scheme 1998), Post Office Overseas Letters Scheme 1982 Sch 2 Pts II-IV, (Sch 2 Pts II, IV substituted by the Post Office Overseas Letter Post Amendment (No 16) Scheme 1996; and amended by the Post Office Overseas Letter Post Amendment (No 17) Scheme 1998; Sch 2 Pt III substituted by the Post Office Overseas Letter Post Amendment (No 18) Scheme 1999), Post Office Overseas Letters Scheme 1982 Sch 5B (added by the Post Office Overseas Letter Post Amendment (No 17) Scheme 1998). For the meaning of 'printed packet' see the Post Office Overseas Letters Scheme 1982 para 22(1); and PARA 125 note 5 ante. 'European airmail printed packet' means an outgoing printed packet for transmission to any European destination and intended by the sender to be conveyed through any part of the post as a European airmail printed packet, whether or not bearing any indication that it should be so conveyed: para 3(1) (amended by the Post Office Overseas Letter Post Amendment (No 12) Scheme 1991). For the meaning of 'small packet' see the Post Office Overseas Letters Scheme 1982 para 24(1); and PARA 125 note 5 ante. 'European airmail small packet' means an outgoing small packet for transmission to any European destination and intended by the sender to be conveyed through any part of the post as a European airmail small packet whether or not bearing any indication that it should be so conveyed: para 3(1) (amended by the Post Office Overseas Letter Post Amendment (No 12) Scheme 1991). 'Airpack' means a prepaid outgoing postal packet consisting of a specially designed plastic envelope provided by the Post Office, use of which indicates the desire of the sender that the packet should be transmitted as a small packet: Post Office Overseas Letters Scheme 1982 para 3(1).

3 For the meaning of 'parcel' see PARA 121 note 4 ante.

4 Post Office Overseas Parcel Post Scheme 1982 para 5(1), (2), Sch 1.

5 As to limits of weight see PARA 126 ante.

6 Post Office Overseas Parcel Post Scheme 1982 para 5(3).

7 Post Office Overseas Letter Post Scheme 1982 para 44; Post Office Overseas Parcel Post Scheme 1982 para 30.

UPDATE

121-147 The Overseas Post

Post Office Overseas Letter Post Scheme 1982 replaced by the Post Office Overseas Letter Post Scheme 2001 (London Gazette, 16 March 2001). Post Office Overseas Letter Post Scheme 2001 renamed the Successor Postal Services Company Overseas Letter

Post Scheme 2001: SI 2001/1148. Successor Postal Services Company Overseas Letter Post Scheme 2001 amended by the Consignia plc Overseas Letter Post Amendment (No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Overseas Letter Post Amendment (No 2) Scheme 2001 (London Gazette, 17 August 2001); the Consignia plc Overseas Letter Post Amendment (No 3) Scheme 2001 (London Gazette, 14 December 2001); the Consignia plc Overseas Letter Post Amendment (No 4) Scheme 2002 (London Gazette, 28 June 2002); the Consignia plc Overseas Letter Post Amendment (No 5) Scheme 2002 (London Gazette, 28 October 2002); the Royal Mail Group plc Overseas Letter Post Amendment (No 6) Scheme 2003 (London Gazette, 11 April 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 7) Scheme 2003 (London Gazette, 2 May 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 8) Scheme 2003 (London Gazette, 3 October 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 9) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Overseas Letter Post Amendment (No 10) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Overseas Letter Post Amendment (No 11) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Overseas Letter Post Amendment (No 12) Scheme 2006 (London Gazette, 2 June 2006); the Royal Mail Group plc Overseas Letter Post Amendment [(No 13)] Scheme 2006 (London Gazette, 28 July 2006) (art 1 gives the citation '(No 12)', but this appears to be an error); the Royal Mail Group plc Overseas Letter Post Amendment (No 14) Scheme 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Overseas Letter Post Amendment (No 15) Scheme 2008 (London Gazette, 28 March 2008); and the Royal Mail Group Ltd Overseas Letter Post Amendment (No 16) Scheme 2009 (London Gazette, 27 March 2009).

Post Office Overseas Parcel Post Scheme 1982 replaced: see now the Post Office Overseas Parcel Post Scheme 2001 (London Gazette, 16 March 2001). The Post Office Overseas Parcel Post Scheme 2001 is renamed the Successor Postal Services Company Overseas Parcel Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Overseas Parcel Post Scheme 2001 is amended by the Consignia plc Overseas Parcel Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Overseas Parcel Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Overseas Parcel Post (Amendment No 3) Scheme 2002 (London Gazette, 21 December 2001); the Consignia plc Overseas Parcel Post (Amendment No 4) Scheme 2002 (London Gazette, 22 March 2002); the Royal Mail Group plc Overseas Parcel Post (Amendment No 5) Scheme 2003 (London Gazette, 14 March 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 6) Scheme 2003 (London Gazette, 21 March 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 7) Scheme 2003 (London Gazette, 19 December 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 8) Scheme 2004 (London Gazette, 10 September 2004); the Royal Mail Group plc Overseas Parcel Post (Amendment No 9) Scheme 2005 (London Gazette, 23 September 2005); the Royal Mail Group plc Overseas Parcel Post (Amendment No 10) Scheme 2006 (London Gazette, 18 August 2006); the Royal Mail Group Limited Overseas Parcel Post (Amendment No 11) Scheme 2007 (London Gazette, 13 July 2007); the Royal Mail Group Limited Overseas Parcel Post (Amendment No 12) Scheme 2008 (London Gazette, 4 April 2008); and the Royal Mail Group Limited Overseas Parcel Post (Amendment No 13) Scheme 2009 (London Gazette, 16 January 2009).

129 Rates of international postage

TEXT AND NOTES--Post Office Overseas Letter Post Scheme 1982 replaced by the Successor Postal Services Company Overseas Letter Post Scheme 2001 (see PARA 121). The paragraph numbers remain the same unless otherwise stated.

NOTE 2--Post Office Overseas Letter Post Scheme 1982 para 33A now Successor Postal Services Company Overseas Letter Post Scheme 2001 para 34 (para 34 substituted by the Royal Mail Group plc Overseas Letter Post (Amendment No 8) Scheme 2003 (London Gazette, 3 October 2003), and amended by the Royal Mail Group Ltd Overseas Letter Post Amendment (No 15) Scheme 2008 (London Gazette, 28 March 2008)). Post Office Overseas Letter Post Scheme 1982 Sch 5B now Successor Postal Services Company Overseas Letter Post Scheme 2001 Sch 10 (substituted by the Royal Mail Group Ltd Overseas Letter Post Amendment (No 15) Scheme 2008 (London Gazette, 28 March 2008)).

Post Office Overseas Letter Post Scheme 1982 Schs 2, 3 now the Successor Postal Services Company Overseas Letter Post Scheme 2001 Schs 2, 3 (substituted by the Post Office Overseas Letter Post Scheme 1982). Post Office Overseas Letter Post Scheme 1982 Sch 5B now Successor Postal Services Company Overseas Letter Post Scheme 2001 Sch 10 (substituted by the Royal Mail Group Ltd Overseas Letter Post Amendment (No 15) Scheme 2008 (London Gazette, 28 March 2008)).

NOTE 4--Post Office Overseas Parcel Post Scheme 1982 Sch 1 now the Successor Postal Services Company Overseas Parcel Post Scheme 2001 Sch 1 (amended by the Royal Mail Group Limited Overseas Parcel Post (Amendment No 12) Scheme 2008 (London Gazette, 4 April 2008)).

NOTE 7--Post Office Overseas Letter Post Scheme 1982 para 44 now Successor Postal Services Company Overseas Letter Post Scheme 2001 para 45.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(5) THE OVERSEAS POST/(i) General Conditions/130. Payment of postage and fees.

130. Payment of postage and fees.

The postage and fees payable on every postal packet¹ and on every parcel² and the fees payable in respect of postal facilities³ must be prepaid⁴, except where the Post Office has granted credit facilities to the sender⁵ or where the Post Office otherwise directs⁶.

The provisions with respect to the manner in which payment of such postage or fees may be denoted and as to the use of postal franking machines⁷ are similar to those applicable in the inland post⁸.

1 For the meaning of 'postal packet' see PARA 121 note 3 ante.

2 For the meaning of 'parcel' see PARA 121 note 4 ante.

3 As to postal facilities see PARA 134 et seq post.

4 Post Office Overseas Letter Post Scheme 1982 para 16(1); Post Office Overseas Parcel Post Scheme 1982 para 11(1). As to the schemes see PARA 121 ante; and as to schemes generally see PARA 83 ante.

5 Post Office Overseas Letter Post Scheme 1982 para 16(2); Post Office Overseas Parcel Post Scheme 1982 para 11(2).

6 Post Office Overseas Letter Post Scheme 1982 para 16(1); Post Office Overseas Parcel Post Scheme 1982 para 11(1).

7 As to postal packets see the Post Office Overseas Letter Post Scheme 1982 paras 16(5)-(8) (amended by the Post Office Overseas Letter Post Amendment (No 10) Scheme 1990), Post Office Overseas Letter Post

Scheme 1982 para 45, Sch 10, applying the Post Office Inland Letter Post Scheme 1989 Sch 2 (relating to the authorisation by the Post Office of the use of postal franking machines). As to parcels see Post Office Overseas Parcel Post Scheme 1982 paras 11(5)-(8), 31, Sch 5, applying the Post Office Inland Parcel Post Scheme 1989 Sch 2 (relating to the authorisation by the Post Office of the use of postal franking machines). Where payment is denoted by franking machine or impression made by any other authorised device, special conditions and restrictions as to posting apply: see the Post Office Overseas Letter Post Scheme 1982 para 16(5); Post Office Overseas Parcel Post Scheme 1982 para 11(5).

8 For the provisions applicable to the inland post see PARA 95 ante.

UPDATE

121-147 The Overseas Post

Post Office Overseas Letter Post Scheme 1982 replaced by the Post Office Overseas Letter Post Scheme 2001 (London Gazette, 16 March 2001). Post Office Overseas Letter Post Scheme 2001 renamed the Successor Postal Services Company Overseas Letter Post Scheme 2001: SI 2001/1148. Successor Postal Services Company Overseas Letter Post Scheme 2001 amended by the Consignia plc Overseas Letter Post Amendment (No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Overseas Letter Post Amendment (No 2) Scheme 2001 (London Gazette, 17 August 2001); the Consignia plc Overseas Letter Post Amendment (No 3) Scheme 2001 (London Gazette, 14 December 2001); the Consignia plc Overseas Letter Post Amendment (No 4) Scheme 2002 (London Gazette, 28 June 2002); the Consignia plc Overseas Letter Post Amendment (No 5) Scheme 2002 (London Gazette, 28 October 2002); the Royal Mail Group plc Overseas Letter Post Amendment (No 6) Scheme 2003 (London Gazette, 11 April 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 7) Scheme 2003 (London Gazette, 2 May 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 8) Scheme 2003 (London Gazette, 3 October 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 9) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Overseas Letter Post Amendment (No 10) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Overseas Letter Post Amendment (No 11) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Overseas Letter Post Amendment (No 12) Scheme 2006 (London Gazette, 2 June 2006); the Royal Mail Group plc Overseas Letter Post Amendment [(No 13)] Scheme 2006 (London Gazette, 28 July 2006) (art 1 gives the citation '(No 12)', but this appears to be an error); the Royal Mail Group plc Overseas Letter Post Amendment (No 14) Scheme 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Overseas Letter Post Amendment (No 15) Scheme 2008 (London Gazette, 28 March 2008); and the Royal Mail Group Ltd Overseas Letter Post Amendment (No 16) Scheme 2009 (London Gazette, 27 March 2009).

Post Office Overseas Parcel Post Scheme 1982 replaced: see now the Post Office Overseas Parcel Post Scheme 2001 (London Gazette, 16 March 2001). The Post Office Overseas Parcel Post Scheme 2001 is renamed the Successor Postal Services Company Overseas Parcel Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Overseas Parcel Post Scheme 2001 is amended by the Consignia plc Overseas Parcel Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Overseas Parcel Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Overseas Parcel Post (Amendment No 3) Scheme 2002 (London Gazette, 21 December 2001); the Consignia plc Overseas Parcel Post (Amendment No 4) Scheme 2002 (London Gazette, 22 March 2002); the Royal Mail Group plc Overseas Parcel Post (Amendment No 5) Scheme 2003 (London Gazette, 14 March 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 6) Scheme 2003 (London Gazette, 21 March 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 7) Scheme 2003 (London Gazette, 19 December

2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 8) Scheme 2004 (London Gazette, 10 September 2004); the Royal Mail Group plc Overseas Parcel Post (Amendment No 9) Scheme 2005 (London Gazette, 23 September 2005); the Royal Mail Group plc Overseas Parcel Post (Amendment No 10) Scheme 2006 (London Gazette, 18 August 2006); the Royal Mail Group Limited Overseas Parcel Post (Amendment No 11) Scheme 2007 (London Gazette, 13 July 2007); the Royal Mail Group Limited Overseas Parcel Post (Amendment No 12) Scheme 2008 (London Gazette, 4 April 2008); and the Royal Mail Group Limited Overseas Parcel Post (Amendment No 13) Scheme 2009 (London Gazette, 16 January 2009).

130 Payment of postage and fees

NOTE 7--As to the terms and conditions which are applicable to the franking of letters and parcels for posting in the United Kingdom, and to the posting of franked letters and parcels see the Royal Mail Scheme for Franking Letters and Parcels 2008 (London Gazette, 28 March 2008) (as amended: see PARA 95).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(5) THE OVERSEAS POST/(i) General Conditions/131. Unpaid or underpaid postage, fees and other charges.

131. Unpaid or underpaid postage, fees and other charges.

An outgoing¹ postal packet², including an air mail packet³, on which no part, or part only, of the postage has been prepaid may, at the discretion of the Post Office, be forwarded, charged with the amount of the postage deficiency and an additional charge of 25p, or returned to the sender for payment of the postage deficiency⁴. If the packet in question is an air mail packet, it may be dealt with as surface mail⁵. Alternatively, the Post Office, if it thinks fit, may affix the necessary postage stamps, or indorse the packet for treatment as if full postage had been paid, and forward the packet, whereupon the sender is liable to pay on demand the amount of the postage deficiency⁶.

An incoming⁷ postal packet, other than a packet redirected⁸ from an address outside the British postal area⁹ to an address in that area, upon which no part, or a part only, of the postage payable thereon has been prepaid may, unless it is an insured letter¹⁰ or other registered postal packet¹¹, be returned to the country of origin, or may be forwarded charged with the postage deficiency and, at the discretion of the Post Office, an amount of 25p¹². If the packet is an insured letter or other registered postal packet, it must be forwarded without any charge in respect of the postage deficiency¹³.

The Post Office may withhold any incoming packet from delivery until all sums due, including any sum due on such a packet in respect of redirection from an address outside the British postal area, have been paid¹⁴.

An outgoing parcel¹⁵, including a Standard Service parcel¹⁶, upon which no part, or a part only, of the postage payable thereon has been prepaid may at the discretion of the Post Office be returned to the sender in order that the postage deficiency be made good¹⁷.

Where an outgoing parcel is received back from outside the British postal area for return to the sender in accordance with the relevant postal arrangement¹⁸, the sender is liable to pay postage for the return transmission and such other charges as the Post Office may consider appropriate having regard to the postal arrangement¹⁹.

There must be charged on any incoming international parcel²⁰ and paid by the addressee prior to its delivery the amount of any postage deficiency, and any fees and charges payable in respect of the parcel under the law, regulations or schemes in force in any part of the British postal area or any country or place from or through which the parcel has been transmitted, which have not been paid²¹.

The Post Office may withhold any incoming parcel from delivery to the addressee, or any outgoing parcel received back for return to the sender²² until all sums due have been paid²³.

- 1 For the meaning of 'outgoing' see PARA 122 note 7 ante.
- 2 For the meaning of 'postal packet' see PARA 121 note 3 ante.
- 3 For the meaning of 'air mail packet' see PARA 129 note 2 ante.
- 4 Post Office Overseas Letter Post Scheme 1982 para 17(1) (amended by the Post Office Overseas Letter Post Amendment (No 7) Scheme 1987). As to the scheme see PARA 121 ante; as to schemes generally see PARA 83 ante. These provisions do not apply to insured letters, other registered postal packets or packets in respect of which the Post Office has entered into an arrangement with the senders for the grant of credit facilities: Post Office Overseas Letter Post Scheme 1982 para 17(1). For the meaning of 'insured letter' see PARA 124 note 6 ante; as to insured letters see PARA 134 post. As to registered postal packets see PARA 140 post. As to the scheme see PARA 121 ante; and as to schemes generally see PARA 83 ante.
- 5 Ibid para 17(3).
- 6 Ibid para 17(2).
- 7 'Incoming' means received at a post office in the British postal through the post: ibid para 3(1); Post Office Overseas Parcel Post Scheme 1982 para 3(1).
- 8 An incoming postal packet redirected from an address outside the British postal area, whether or not within the country in which it was posted, to an address within that area must be forwarded charged with a specified sum, unless that sum was prepaid on redirection: Post Office Overseas Letter Post Scheme 1982 para 17(5).
- 9 For the meaning of 'British postal area' see PARA 121 note 3 ante.
- 10 As to insured letters see PARA 134 post.
- 11 'Registered packet' means any packet (other than a printed packet (see PARA 121 note 3 ante) or a small packet (see PARA 121 note 3 ante) for transmission through a British Forces Post Office outside the British postal area) which is transmissible as a registered packet under the provisions of the Universal Postal Convention for the time being in force and the detailed regulations made thereunder and which facility is advertised under the trading name of 'International Recorded': Post Office Overseas Letter Post Scheme 1982 para 3(1) (amended by the Post Office Overseas Letter Post Amendment (No 14) Scheme 1993). As to registered packets see PARA 140 post. As to the Universal Postal Convention see PARA 11 ante.
- 12 Post Office Overseas Letter Post Scheme 1982 para 17(4)(a) (amended by the Post Office Overseas Letter Post Amendment (No 3) Scheme 1984). Where the amount chargeable would be less than 26p, the amount charged must be 26p: Post Office Overseas Letter Post Scheme 1982 para 17(6) (amended by the Post Office Overseas Letter Post Amendment (No 3) Scheme 1984).
- 13 Post Office Overseas Letter Post Scheme 1982 para 17(4)(b)
- 14 Ibid para 17(7).
- 15 For the meaning of 'parcel' see PARA 121 note 4 ante.
- 16 As to the meaning of 'Standard Service parcel' see PARA 123 note 5 ante.
- 17 Post Office Overseas Parcel Post Scheme 1982 para 13(1). Ibid para 13 does not apply to parcels in respect of which the Post Office has entered into an arrangement with the senders for the grant of credit facilities: para 13(1).
- 18 For the meaning of 'postal arrangement' see PARA 124 note 11 ante.

- 19 Post Office Overseas Parcel Post Scheme 1982 para 15(1)(b).
- 20 Ie whether or not the parcel originated within the British postal area: *ibid* para 14(1).
- 21 *Ibid* para 14(1).
- 22 Ie as set out in *ibid* para 15.
- 23 Post Office Overseas Parcel Post Scheme 1982 para 16(1).

UPDATE

121-147 The Overseas Post

Post Office Overseas Letter Post Scheme 1982 replaced by the Post Office Overseas Letter Post Scheme 2001 (*London Gazette*, 16 March 2001). Post Office Overseas Letter Post Scheme 2001 renamed the Successor Postal Services Company Overseas Letter Post Scheme 2001: SI 2001/1148. Successor Postal Services Company Overseas Letter Post Scheme 2001 amended by the Consignia plc Overseas Letter Post Amendment (No 1) Scheme 2001 (*London Gazette*, 29 June 2001); the Consignia plc Overseas Letter Post Amendment (No 2) Scheme 2001 (*London Gazette*, 17 August 2001); the Consignia plc Overseas Letter Post Amendment (No 3) Scheme 2001 (*London Gazette*, 14 December 2001); the Consignia plc Overseas Letter Post Amendment (No 4) Scheme 2002 (*London Gazette*, 28 June 2002); the Consignia plc Overseas Letter Post Amendment (No 5) Scheme 2002 (*London Gazette*, 28 October 2002); the Royal Mail Group plc Overseas Letter Post Amendment (No 6) Scheme 2003 (*London Gazette*, 11 April 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 7) Scheme 2003 (*London Gazette*, 2 May 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 8) Scheme 2003 (*London Gazette*, 3 October 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 9) Scheme 2004 (*London Gazette*, 26 March 2004); the Royal Mail Group plc Overseas Letter Post Amendment (No 10) Scheme 2005 (*London Gazette*, 5 April 2005); the Royal Mail Group plc Overseas Letter Post Amendment (No 11) Scheme 2006 (*London Gazette*, 24 March 2006); the Royal Mail Group plc Overseas Letter Post Amendment (No 12) Scheme 2006 (*London Gazette*, 2 June 2006); the Royal Mail Group plc Overseas Letter Post Amendment [(No 13)] Scheme 2006 (*London Gazette*, 28 July 2006) (art 1 gives the citation '(No 12)', but this appears to be an error); the Royal Mail Group plc Overseas Letter Post Amendment (No 14) Scheme 2007 (*London Gazette*, 16 March 2007); the Royal Mail Group Ltd Overseas Letter Post Amendment (No 15) Scheme 2008 (*London Gazette*, 28 March 2008); and the Royal Mail Group Ltd Overseas Letter Post Amendment (No 16) Scheme 2009 (*London Gazette*, 27 March 2009).

Post Office Overseas Parcel Post Scheme 1982 replaced: see now the Post Office Overseas Parcel Post Scheme 2001 (*London Gazette*, 16 March 2001). The Post Office Overseas Parcel Post Scheme 2001 is renamed the Successor Postal Services Company Overseas Parcel Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Overseas Parcel Post Scheme 2001 is amended by the Consignia plc Overseas Parcel Post (Amendment No 1) Scheme 2001 (*London Gazette*, 29 June 2001); the Consignia plc Overseas Parcel Post (Amendment No 2) Scheme 2001 (*London Gazette*, 6 July 2001); the Consignia plc Overseas Parcel Post (Amendment No 3) Scheme 2002 (*London Gazette*, 21 December 2001); the Consignia plc Overseas Parcel Post (Amendment No 4) Scheme 2002 (*London Gazette*, 22 March 2002); the Royal Mail Group plc Overseas Parcel Post (Amendment No 5) Scheme 2003 (*London Gazette*, 14 March 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 6) Scheme 2003 (*London Gazette*, 21 March 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 7) Scheme 2003 (*London Gazette*, 19 December

2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 8) Scheme 2004 (London Gazette, 10 September 2004); the Royal Mail Group plc Overseas Parcel Post (Amendment No 9) Scheme 2005 (London Gazette, 23 September 2005); the Royal Mail Group plc Overseas Parcel Post (Amendment No 10) Scheme 2006 (London Gazette, 18 August 2006); the Royal Mail Group Limited Overseas Parcel Post (Amendment No 11) Scheme 2007 (London Gazette, 13 July 2007); the Royal Mail Group Limited Overseas Parcel Post (Amendment No 12) Scheme 2008 (London Gazette, 4 April 2008); and the Royal Mail Group Limited Overseas Parcel Post (Amendment No 13) Scheme 2009 (London Gazette, 16 January 2009).

131 Unpaid or underpaid postage, fees and other charges

NOTES 19, 22, 23--Post Office Overseas Parcel Post Scheme 1982 replaced by the Successor Postal Services Company Overseas Parcel Post Scheme 2001. 2001 Scheme para 15 amended: Royal Mail Group Limited Overseas Parcel Post (Amendment No 12) Scheme 2008 (London Gazette, 4 April 2008).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(5) THE OVERSEAS POST/(i) General Conditions/132. Treatment of irregular packets or parcels.

132. Treatment of irregular packets or parcels.

Except as otherwise provided under the relevant scheme¹, if any postal packet² or parcel³ is found when in the post not to comply with a provision of the law of the country in which it was posted or to which it is addressed, or of any country through which it may pass⁴, or not to be accompanied by a document required by any such provision⁵, it may be detained, or returned to the sender, or (unless it is a parcel) forwarded and delivered, or it may be dealt with or disposed of as the Post Office thinks fit⁶.

If a postal packet is found to contain two or more postal packets addressed to different persons who are at different addresses, or an incoming⁷ parcel is found to contain two or more postal packets or parcels so addressed, that packet or parcel may, if the Post Office thinks fit, be delivered to the addressee, subject to such charge as the Post Office may fix, not exceeding the aggregate amount of the separate charges which would have been payable in respect of all the packets or parcels it contains if each of them had been posted separately without prepayment of postage and, if they are contained in an incoming parcel, as if each of them had been so posted in the British postal area⁸ to the country of origin⁹.

If the Post Office thinks fit, a postal packet of any particular description (other than a letter¹⁰) which is found when in the post not to comply with the provisions of the relevant scheme applicable to packets of that description¹¹ may be treated as if it had been posted as a letter or as a packet of such other description as the Post Office considers appropriate¹².

1 Ie the Post Office Overseas Letter Post Scheme 1982 or the Post Office Overseas Parcel Post Scheme 1982: see PARA 121 ante. As to schemes generally see PARA 83 ante.

2 For the meaning of 'postal packet' see PARA 121 note 3 ante.

3 For the meaning of 'parcel' see PARA 121 note 4 ante.

4 Ie including the Post Office Act 1953 (see s 11 (as amended), and PARA 88 ante), the relevant scheme (see note 1 supra) or the regulations under the enactments relating to customs (see PARA 164 et seq post): Post Office Overseas Letter Post Scheme 1982 para 12(1); Post Office Overseas Parcel Post Scheme 1982 para 18(1). As to the provisions of the schemes which prohibit the posting and (subject to the provision which follows in the text) the conveyance or delivery of certain postal packets and parcels by reason of their contents or otherwise see PARAS 124 ante.

5 As to such documents see PARA 128 ante.

6 Post Office Overseas Letter Post Scheme 1982 para 18(1); Post Office Overseas Parcel Post Scheme 1982 para 12(1). Ibid para 12(1) also applies to a parcel which is found to have been posted otherwise than in accordance with para 10(1) (see PARA 128 ante): para 12(1).

7 For the meaning of 'incoming' see PARA 131 note 4 ante.

8 For the meaning of 'British postal area' see PARA 121 notes 3-4 ante.

9 Post Office Overseas Letter Post Scheme 1982 para 18(2); Post Office Overseas Parcel Post Scheme 1982 para 12(2). Such a packet or parcel is not admissible in the post and, subject to these provisions, may not be conveyed or delivered by post: see PARA 124 text to note 20 ante.

10 For the meaning of 'letter' see PARA 121 note 3 ante.

11 Ie the Post Office Overseas Letter Post Scheme 1982.

12 Ibid para 18(3).

UPDATE

121-147 The Overseas Post

Post Office Overseas Letter Post Scheme 1982 replaced by the Post Office Overseas Letter Post Scheme 2001 (London Gazette, 16 March 2001). Post Office Overseas Letter Post Scheme 2001 renamed the Successor Postal Services Company Overseas Letter Post Scheme 2001: SI 2001/1148. Successor Postal Services Company Overseas Letter Post Scheme 2001 amended by the Consignia plc Overseas Letter Post Amendment (No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Overseas Letter Post Amendment (No 2) Scheme 2001 (London Gazette, 17 August 2001); the Consignia plc Overseas Letter Post Amendment (No 3) Scheme 2001 (London Gazette, 14 December 2001); the Consignia plc Overseas Letter Post Amendment (No 4) Scheme 2002 (London Gazette, 28 June 2002); the Consignia plc Overseas Letter Post Amendment (No 5) Scheme 2002 (London Gazette, 28 October 2002); the Royal Mail Group plc Overseas Letter Post Amendment (No 6) Scheme 2003 (London Gazette, 11 April 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 7) Scheme 2003 (London Gazette, 2 May 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 8) Scheme 2003 (London Gazette, 3 October 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 9) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Overseas Letter Post Amendment (No 10) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Overseas Letter Post Amendment (No 11) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Overseas Letter Post Amendment (No 12) Scheme 2006 (London Gazette, 2 June 2006); the Royal Mail Group plc Overseas Letter Post Amendment [(No 13)] Scheme 2006 (London Gazette, 28 July 2006) (art 1 gives the citation '(No 12)', but this appears to be an error); the Royal Mail Group plc Overseas Letter Post Amendment (No 14) Scheme 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Overseas Letter Post Amendment (No 15) Scheme 2008 (London Gazette, 28 March 2008); and the Royal Mail Group Ltd Overseas Letter Post Amendment (No 16) Scheme 2009 (London Gazette, 27 March 2009).

Post Office Overseas Parcel Post Scheme 1982 replaced: see now the Post Office Overseas Parcel Post Scheme 2001 (London Gazette, 16 March 2001). The Post Office Overseas Parcel Post Scheme 2001 is renamed the Successor Postal Services Company Overseas Parcel Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Overseas Parcel Post Scheme 2001 is amended by the Consignia plc Overseas Parcel Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Overseas Parcel Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Overseas Parcel Post (Amendment No 3) Scheme 2002 (London Gazette, 21 December 2001); the Consignia plc Overseas Parcel Post (Amendment No 4) Scheme 2002 (London Gazette, 22 March 2002); the Royal Mail Group plc Overseas Parcel Post (Amendment No 5) Scheme 2003 (London Gazette, 14 March 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 6) Scheme 2003 (London Gazette, 21 March 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 7) Scheme 2003 (London Gazette, 19 December 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 8) Scheme 2004 (London Gazette, 10 September 2004); the Royal Mail Group plc Overseas Parcel Post (Amendment No 9) Scheme 2005 (London Gazette, 23 September 2005); the Royal Mail Group plc Overseas Parcel Post (Amendment No 10) Scheme 2006 (London Gazette, 18 August 2006); the Royal Mail Group Limited Overseas Parcel Post (Amendment No 11) Scheme 2007 (London Gazette, 13 July 2007); the Royal Mail Group Limited Overseas Parcel Post (Amendment No 12) Scheme 2008 (London Gazette, 4 April 2008); and the Royal Mail Group Limited Overseas Parcel Post (Amendment No 13) Scheme 2009 (London Gazette, 16 January 2009).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(5) THE OVERSEAS POST/(i) General Conditions/133. Undeliverable postal packets and parcels.

133. Undeliverable postal packets and parcels.

At the discretion of the Post Office, an incoming¹ postal packet² which, for any reason, cannot be delivered may be returned to the sender, or destroyed or disposed of as the Post Office thinks fit³. An incoming postal packet not originally posted in the British postal area⁴ received as undeliverable may be forwarded to the address in the British postal area marked as the return address, subject to charges, or returned to the postal administration of sending or to the postal administration who forwarded the postal packet to the Post Office⁵.

An incoming parcel⁶ which cannot be delivered, or an outgoing⁷ parcel which is received back from a place outside the British postal area for return to the sender in accordance with the relevant postal arrangement⁸ and which cannot be returned, or an incoming or returnable parcel in respect of which any postage deficiency or fees and charges⁹ have not been paid within such period as the Post Office may consider reasonable, may be dealt with or disposed of as the Post Office thinks fit¹⁰.

1 For the meaning of 'incoming' see PARA 131 note 4 ante.

2 For the meaning of 'postal packet' see PARA 121 note 3 ante.

3 Post Office Overseas Letter Post Scheme 1982 para 19(1) (para 19 substituted by the Post Office Overseas Letter Post Amendment (No 17) Scheme 1998). As to the scheme see PARA 121 note 1 ante; and as to schemes generally see PARA 83 ante.

- 4 For the meaning of 'British postal area' see PARA 121 note 3 ante.
- 5 Post Office Overseas Letter Post Scheme para 19(2) (para 19 as substituted).
- 6 For the meaning of 'parcel' see PARA 121 note 4 ante.
- 7 For the meaning of 'outgoing' see PARA 123 note 5 ante.
- 8 For the meaning of 'postal arrangement' see PARA 124 note 11 ante.
- 9 As to the liability of the addressee or the sender (as the case may be) to pay any postage deficiency, unpaid fees and charges on delivery or return of a parcel see PARA 721 ante.
- 10 Post Office Overseas Parcel Post Scheme 1982 para 17(1). As to the scheme see PARA 121 ante. Where an incoming parcel cannot be delivered within a reasonable time, or is refused, but is subsequently delivered at the request of the sender or addressee, additional postage is charged and is payable by the addressee on its delivery: para 17(3). Where an incoming parcel cannot be delivered as originally addressed and the sender has furnished the address of a substituted addressee in accordance with the relevant postal arrangement, additional postage is charged and is payable by the substituted addressee on its delivery at that address: para 17(2).

UPDATE

121-147 The Overseas Post

Post Office Overseas Letter Post Scheme 1982 replaced by the Post Office Overseas Letter Post Scheme 2001 (London Gazette, 16 March 2001). Post Office Overseas Letter Post Scheme 2001 renamed the Successor Postal Services Company Overseas Letter Post Scheme 2001: SI 2001/1148. Successor Postal Services Company Overseas Letter Post Scheme 2001 amended by the Consignia plc Overseas Letter Post Amendment (No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Overseas Letter Post Amendment (No 2) Scheme 2001 (London Gazette, 17 August 2001); the Consignia plc Overseas Letter Post Amendment (No 3) Scheme 2001 (London Gazette, 14 December 2001); the Consignia plc Overseas Letter Post Amendment (No 4) Scheme 2002 (London Gazette, 28 June 2002); the Consignia plc Overseas Letter Post Amendment (No 5) Scheme 2002 (London Gazette, 28 October 2002); the Royal Mail Group plc Overseas Letter Post Amendment (No 6) Scheme 2003 (London Gazette, 11 April 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 7) Scheme 2003 (London Gazette, 2 May 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 8) Scheme 2003 (London Gazette, 3 October 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 9) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Overseas Letter Post Amendment (No 10) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Overseas Letter Post Amendment (No 11) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Overseas Letter Post Amendment (No 12) Scheme 2006 (London Gazette, 2 June 2006); the Royal Mail Group plc Overseas Letter Post Amendment [(No 13)] Scheme 2006 (London Gazette, 28 July 2006) (art 1 gives the citation '(No 12)', but this appears to be an error); the Royal Mail Group plc Overseas Letter Post Amendment (No 14) Scheme 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Overseas Letter Post Amendment (No 15) Scheme 2008 (London Gazette, 28 March 2008); and the Royal Mail Group Ltd Overseas Letter Post Amendment (No 16) Scheme 2009 (London Gazette, 27 March 2009).

Post Office Overseas Parcel Post Scheme 1982 replaced: see now the Post Office Overseas Parcel Post Scheme 2001 (London Gazette, 16 March 2001). The Post Office Overseas Parcel Post Scheme 2001 is renamed the Successor Postal Services Company Overseas Parcel Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Overseas Parcel Post Scheme 2001 is amended by the Consignia plc Overseas Parcel Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June

2001); the Consignia plc Overseas Parcel Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Overseas Parcel Post (Amendment No 3) Scheme 2002 (London Gazette, 21 December 2001); the Consignia plc Overseas Parcel Post (Amendment No 4) Scheme 2002 (London Gazette, 22 March 2002); the Royal Mail Group plc Overseas Parcel Post (Amendment No 5) Scheme 2003 (London Gazette, 14 March 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 6) Scheme 2003 (London Gazette, 21 March 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 7) Scheme 2003 (London Gazette, 19 December 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 8) Scheme 2004 (London Gazette, 10 September 2004); the Royal Mail Group plc Overseas Parcel Post (Amendment No 9) Scheme 2005 (London Gazette, 23 September 2005); the Royal Mail Group plc Overseas Parcel Post (Amendment No 10) Scheme 2006 (London Gazette, 18 August 2006); the Royal Mail Group Limited Overseas Parcel Post (Amendment No 11) Scheme 2007 (London Gazette, 13 July 2007); the Royal Mail Group Limited Overseas Parcel Post (Amendment No 12) Scheme 2008 (London Gazette, 4 April 2008); and the Royal Mail Group Limited Overseas Parcel Post (Amendment No 13) Scheme 2009 (London Gazette, 16 January 2009).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(5) THE OVERSEAS POST/ (ii) Special Services and Facilities/134. Accelerated treatment.

(ii) Special Services and Facilities

134. Accelerated treatment.

An outgoing¹ postal packet² which is intended by the sender to receive accelerated treatment must bear a label in such a position as may be prescribed indicating the sender's desire for such a service, and a fee is chargeable which must be prepaid³. Such packets must be posted by being handed to an officer of the Post Office⁴, and must be segregated from all other postal packets⁵.

1 For the meaning of 'outgoing' see PARA 122 note 7 ante.

2 For the meaning of 'postal packet' see PARA 121 note 3 ante.

3 Post Office Overseas Letter Post Scheme 1982 para 29(1), (2) (para 29 substituted by the Post Office Overseas Letter Post Amendment (No 16) Scheme 1996; and amended by the Post Office Overseas Letter Post Amendment (No 18) Scheme 1999). This service is marketed as 'Swiftair', and Swiftair packets may also be registered or insured: see the Post Office Overseas Letter Post Scheme 1982 para 3(1) (amended by the Post Office Overseas Letter Post Amendment (No 16) Scheme 1996), PARA 29 (as substituted and amended). The fees are set out in PARA 29(1) (as substituted and amended), Sch 5A (substituted by the Post Office Overseas Letter Post Amendment (No 18) Scheme 1999) As to the scheme see PARA 121 ante; and as to schemes generally see PARA 83 ante.

4 For the meaning of 'officer of the Post Office' see PARA 124 note 13 ante.

5 Post Office Overseas Letter Post Scheme 1982 para 29(3) (as substituted and amended: see note 3 supra).

UPDATE

121-147 The Overseas Post

Post Office Overseas Letter Post Scheme 1982 replaced by the Post Office Overseas Letter Post Scheme 2001 (London Gazette, 16 March 2001). Post Office Overseas Letter Post Scheme 2001 renamed the Successor Postal Services Company Overseas Letter Post Scheme 2001: SI 2001/1148. Successor Postal Services Company Overseas Letter Post Scheme 2001 amended by the Consignia plc Overseas Letter Post Amendment (No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Overseas Letter Post Amendment (No 2) Scheme 2001 (London Gazette, 17 August 2001); the Consignia plc Overseas Letter Post Amendment (No 3) Scheme 2001 (London Gazette, 14 December 2001); the Consignia plc Overseas Letter Post Amendment (No 4) Scheme 2002 (London Gazette, 28 June 2002); the Consignia plc Overseas Letter Post Amendment (No 5) Scheme 2002 (London Gazette, 28 October 2002); the Royal Mail Group plc Overseas Letter Post Amendment (No 6) Scheme 2003 (London Gazette, 11 April 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 7) Scheme 2003 (London Gazette, 2 May 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 8) Scheme 2003 (London Gazette, 3 October 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 9) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Overseas Letter Post Amendment (No 10) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Overseas Letter Post Amendment (No 11) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Overseas Letter Post Amendment (No 12) Scheme 2006 (London Gazette, 2 June 2006); the Royal Mail Group plc Overseas Letter Post Amendment [(No 13)] Scheme 2006 (London Gazette, 28 July 2006) (art 1 gives the citation '(No 12)', but this appears to be an error); the Royal Mail Group plc Overseas Letter Post Amendment (No 14) Scheme 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Overseas Letter Post Amendment (No 15) Scheme 2008 (London Gazette, 28 March 2008); and the Royal Mail Group Ltd Overseas Letter Post Amendment (No 16) Scheme 2009 (London Gazette, 27 March 2009).

Post Office Overseas Parcel Post Scheme 1982 replaced: see now the Post Office Overseas Parcel Post Scheme 2001 (London Gazette, 16 March 2001). The Post Office Overseas Parcel Post Scheme 2001 is renamed the Successor Postal Services Company Overseas Parcel Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Overseas Parcel Post Scheme 2001 is amended by the Consignia plc Overseas Parcel Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Overseas Parcel Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Overseas Parcel Post (Amendment No 3) Scheme 2002 (London Gazette, 21 December 2001); the Consignia plc Overseas Parcel Post (Amendment No 4) Scheme 2002 (London Gazette, 22 March 2002); the Royal Mail Group plc Overseas Parcel Post (Amendment No 5) Scheme 2003 (London Gazette, 14 March 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 6) Scheme 2003 (London Gazette, 21 March 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 7) Scheme 2003 (London Gazette, 19 December 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 8) Scheme 2004 (London Gazette, 10 September 2004); the Royal Mail Group plc Overseas Parcel Post (Amendment No 9) Scheme 2005 (London Gazette, 23 September 2005); the Royal Mail Group plc Overseas Parcel Post (Amendment No 10) Scheme 2006 (London Gazette, 18 August 2006); the Royal Mail Group Limited Overseas Parcel Post (Amendment No 11) Scheme 2007 (London Gazette, 13 July 2007); the Royal Mail Group Limited Overseas Parcel Post (Amendment No 12) Scheme 2008 (London Gazette, 4 April 2008); and the Royal Mail Group Limited Overseas Parcel Post (Amendment No 13) Scheme 2009 (London Gazette, 16 January 2009).

134 Accelerated treatment

TEXT AND NOTES--Post Office Overseas Letter Post Scheme 1982 para 29 now the Successor Postal Services Company Overseas Letter Post Scheme 2001 para 30 (see further PARA 121).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(5) THE OVERSEAS POST/ (ii) Special Services and Facilities/135. International response services.

135. International response services.

A person who proposes to invite others to post international response service packets to him or to his agent may apply to the Post Office for a licence authorising the posting of such packets to an address of the applicant or of his agent, being an address within the British postal area¹, or to an address provided by the Post Office outside the British postal area without prepayment of postage, the provision by the applicant and the use for the purpose of the necessary cards, folders, letter cards, envelopes or labels².

No card, folder, letter card, envelope, wrapper or label may be made available by the licensee for use by any person as or with an international response service packet unless: (1) it has printed on it, in such position and manner as have been approved by the Post Office, special distinguishing characters, if any, allocated for the purpose by the Post Office and an address specified in writing by the Post Office; and (2) it meets the prescribed specifications and is similar in all respects to a specimen thereof which has been submitted to an approved by the Post Office³.

The licensee is liable to pay the postage on all such packets so posted and received⁴. An annual licence fee is payable in respect of each licence⁵.

1 For the meaning of 'British postal area' see PARA 121 note 3 ante.

2 Post Office Overseas Letter Post Scheme 1982 para 27A(1) (para 27A added by the Post Office Overseas Letter Post Amendment (No 17) Scheme 1998).

3 Post Office Overseas Letter Post Scheme 1982 para 27A(4) (as added: see note 3 supra).

4 Ibid para 27A(6) (as added: see note 3 supra). Every international response service licence must require the licensee to make deposits or other payments in advance with respect to the payment of the postage: para 27A(5) (as so added).

5 Ibid para 27(7) (as added: see note 3 supra).

UPDATE

121-147 The Overseas Post

Post Office Overseas Letter Post Scheme 1982 replaced by the Post Office Overseas Letter Post Scheme 2001 (London Gazette, 16 March 2001). Post Office Overseas Letter Post Scheme 2001 renamed the Successor Postal Services Company Overseas Letter Post Scheme 2001: SI 2001/1148. Successor Postal Services Company Overseas Letter Post Scheme 2001 amended by the Consignia plc Overseas Letter Post Amendment (No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Overseas Letter Post Amendment (No 2) Scheme 2001 (London Gazette, 17 August 2001); the

Consignia plc Overseas Letter Post Amendment (No 3) Scheme 2001 (London Gazette, 14 December 2001); the Consignia plc Overseas Letter Post Amendment (No 4) Scheme 2002 (London Gazette, 28 June 2002); the Consignia plc Overseas Letter Post Amendment (No 5) Scheme 2002 (London Gazette, 28 October 2002); the Royal Mail Group plc Overseas Letter Post Amendment (No 6) Scheme 2003 (London Gazette, 11 April 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 7) Scheme 2003 (London Gazette, 2 May 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 8) Scheme 2003 (London Gazette, 3 October 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 9) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Overseas Letter Post Amendment (No 10) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Overseas Letter Post Amendment (No 11) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Overseas Letter Post Amendment (No 12) Scheme 2006 (London Gazette, 2 June 2006); the Royal Mail Group plc Overseas Letter Post Amendment [(No 13)] Scheme 2006 (London Gazette, 28 July 2006) (art 1 gives the citation '(No 12)', but this appears to be an error); the Royal Mail Group plc Overseas Letter Post Amendment (No 14) Scheme 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Overseas Letter Post Amendment (No 15) Scheme 2008 (London Gazette, 28 March 2008); and the Royal Mail Group Ltd Overseas Letter Post Amendment (No 16) Scheme 2009 (London Gazette, 27 March 2009).

Post Office Overseas Parcel Post Scheme 1982 replaced: see now the Post Office Overseas Parcel Post Scheme 2001 (London Gazette, 16 March 2001). The Post Office Overseas Parcel Post Scheme 2001 is renamed the Successor Postal Services Company Overseas Parcel Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Overseas Parcel Post Scheme 2001 is amended by the Consignia plc Overseas Parcel Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Overseas Parcel Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Overseas Parcel Post (Amendment No 3) Scheme 2002 (London Gazette, 21 December 2001); the Consignia plc Overseas Parcel Post (Amendment No 4) Scheme 2002 (London Gazette, 22 March 2002); the Royal Mail Group plc Overseas Parcel Post (Amendment No 5) Scheme 2003 (London Gazette, 14 March 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 6) Scheme 2003 (London Gazette, 21 March 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 7) Scheme 2003 (London Gazette, 19 December 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 8) Scheme 2004 (London Gazette, 10 September 2004); the Royal Mail Group plc Overseas Parcel Post (Amendment No 9) Scheme 2005 (London Gazette, 23 September 2005); the Royal Mail Group plc Overseas Parcel Post (Amendment No 10) Scheme 2006 (London Gazette, 18 August 2006); the Royal Mail Group Limited Overseas Parcel Post (Amendment No 11) Scheme 2007 (London Gazette, 13 July 2007); the Royal Mail Group Limited Overseas Parcel Post (Amendment No 12) Scheme 2008 (London Gazette, 4 April 2008); and the Royal Mail Group Limited Overseas Parcel Post (Amendment No 13) Scheme 2009 (London Gazette, 16 January 2009).

135 International response services

TEXT AND NOTES--Post Office Overseas Letter Post Scheme 1982 para 27A now the Successor Postal Services Company Overseas Letter Post Scheme 2001 para 28 (see further PARA 121). Further changes are noted below.

'International response services' means those services which enable customers sending outgoing postal packets to use an address in the British postal area or elsewhere to which responses can be sent, and which services are advertised under trading names International Admail, International Business Reply Service and

International Stamped Response: Successor Postal Services Company Overseas Letter Post Scheme 2001 para 3(1).

TEXT AND NOTES 1, 2--Now, a person who proposes to invite others to post international response services packets to him or to his agent must apply to Consignia plc for a licence authorising the posting of such packets to an address agreed with Consignia plc appropriate to the international response services being used, and the provision by the applicant and the use for the purpose of the necessary cards, folders, letter cards, envelopes or labels: Successor Postal Services Company Overseas Letter Post Scheme 2001 para 28(1); SI 2001/1148. The services known as International Business Response Service and International Admail permit such packets to be posted to the agreed address without prepayment of postage: Successor Postal Services Company Overseas Letter Post Scheme 2001 para 28(1).

TEXT AND NOTE 3--In head (1) for 'in writing by the Post Office' read 'in writing by the Post Office and in accordance with any instructions issued by the Post Office': Successor Postal Services Company Overseas Letter Post Scheme 2001 para 28(4)(a).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(5) THE OVERSEAS POST/ (ii) Special Services and Facilities/136. Redirection of postal packets after delivery.

136. Redirection of postal packets after delivery.

A postal packet¹ may be redirected from its original address, or any substituted address, to the same addressee at any other address either within or outside the British postal area² provided the sender has not forbidden redirection by a note on the address side³ and (except in the case of a postal packet redirected to an address in the British postal area, the Channel Islands, the Isle of Man or the Republic of Ireland) the packet is eligible for transmission to the new address and complies with the conditions applicable to such transmission⁴. If the new address of a postal packet is in the Channel Islands, the Isle of Man or the Republic of Ireland, the packet must have been eligible for transmission to that address from the country in which it was posted and must comply with the conditions applicable to incoming packets⁵.

Except as the Post Office may allow, a postal packet which is redirected from an address in the British postal area more than one day after the day of its delivery⁶ at that address, or which, before redirection, has been opened or altered⁷, or on which the name of the addressee has been obscured by an adhesive label used to indicate the new address, must be treated as if it had been posted anew, without prejudice to the liability of any person for any sums which became chargeable before redirection⁸.

An incoming⁹ registered postal packet¹⁰ or insured letter¹¹ which is redirected from an address in the British postal area (in the case of an insured letter, to an address in that area) must be accepted for further transmission as a redirected registered packet or insured letter, as the case may be, if, but only if, it does not appear to have been opened and it is reposted without any additional cover by being delivered to an officer on duty at a post office or, in the case of a registered packet only, to an officer of the Post Office¹² authorised to receive packets for registration elsewhere¹³. An incoming insured letter redirected from an address in the British postal area to an address elsewhere must be accepted for further transmission as a redirected insured letter if, but only if, it does not appear to have been opened, it is reposted by being handed to an officer on duty at the counter of a post office, and it complies with the conditions applicable to insured letters posted in that area to that address to the country or place in which the new address is situated, unless that address is in the Republic of Ireland, the Channel

Islands or the Isle of Man, in which case it must comply with such conditions as may be imposed by the postal administration of the country, bailiwick or place in which the address is situated¹⁴.

A postal packet, which was posted in the British postal area, the Channel Islands, the Isle of Man or the Republic of Ireland and transmitted under the inland letter scheme¹⁵ to an address in the British postal area may be redirected from its original address to the same addressee at any address which is not in the British postal area, the Channel Islands, the Isle of Man or the Republic of Ireland¹⁶, provided that the sender has not forbidden redirection by a note on the address side of the packet and the packet is eligible for transmission to the country of the new address and complies with the conditions applicable to such transmission¹⁷.

- 1 For the meaning of 'postal packet' see PARA 121 note 3 ante.
- 2 For the meaning of 'British postal area' see PARA 121 note 3 ante.
- 3 The note must be in English, or in any other language understood by the officers of the Post Office handling the packet: Post Office Overseas Letter Post Scheme 1982 para 40(1)(c). As to the scheme see PARA 121 ante; and as to schemes generally see PARA 83 ante.
- 4 Ibid para 40(1)(a),(c).
- 5 Ibid para 40(1)(b).
- 6 Sundays, Christmas Day, New Year's Day, Good Friday and public holidays are disregarded: ibid para 40(2).
- 7 Ie otherwise than by substitution of the new address: ibid para 40(2).
- 8 Ibid para 40(2). If the person redirecting an incoming postal packet to a new address outside the British postal area, the Channel Islands, the Isle of Man or the Republic of Ireland wishes it to be forwarded by an air mail service, he must pay additional postage: see PARA 40(6). 'Air mail service' means a service established by or under the direction of the Post Office for the conveyance of mails by air: para 3(1).
- 9 For the meaning of 'incoming' see PARA 131 note 4 ante.
- 10 For the meaning of 'registered packet' see PARA 131 note 11 ante; as to the registration of postal packets see PARA 140 post.
- 11 For the meaning of 'insured letter' see PARA 124 note 6 ante; as to insured letters see PARA 143 post.
- 12 For the meaning of 'officer of the Post Office' see PARA 124 note 13 ante.
- 13 Post Office Overseas Letter Post Scheme 1982 paras 32(2)(b), 40(3), (4).
- 14 Ibid para 40(5).
- 15 Ie the Post Office Inland Letter Post Scheme 1989, as to which see PARA 95 ante.
- 16 Post Office Overseas Letter Post Scheme 1982 para 40(7).
- 17 Ibid para 40(1)(a), (c), (7). A registered packet must be reposted by being delivered to an officer on duty at a post office or to some officer of the Post Office authorised receive packets for registration elsewhere: para 40(7) proviso (a). A packet on which a registration fee in excess of the minimum payable under the inland letter scheme has been paid is not transmissible as a redirected packet under the overseas letter scheme: para 40(7) proviso (b) (amended by the Post Office Overseas Letter Post Amendment (No 10) Scheme 1990). As to the registration of inland letters see PARA 116 ante. A packet posted as a recorded delivery packet under the inland letter scheme ceases to be transmitted as such on redirection and accordingly no compensation will be paid in respect thereof: Post Office Overseas Letter Post Scheme 1982 para 40(7) proviso(c) (amended by the Post Office Overseas Letter Post Amendment (No 10) Scheme 1990). As to the recorded delivery service for inland letters see PARA 119 ante.

UPDATE

121-147 The Overseas Post

Post Office Overseas Letter Post Scheme 1982 replaced by the Post Office Overseas Letter Post Scheme 2001 (London Gazette, 16 March 2001). Post Office Overseas Letter Post Scheme 2001 renamed the Successor Postal Services Company Overseas Letter Post Scheme 2001: SI 2001/1148. Successor Postal Services Company Overseas Letter Post Scheme 2001 amended by the Consignia plc Overseas Letter Post Amendment (No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Overseas Letter Post Amendment (No 2) Scheme 2001 (London Gazette, 17 August 2001); the Consignia plc Overseas Letter Post Amendment (No 3) Scheme 2001 (London Gazette, 14 December 2001); the Consignia plc Overseas Letter Post Amendment (No 4) Scheme 2002 (London Gazette, 28 June 2002); the Consignia plc Overseas Letter Post Amendment (No 5) Scheme 2002 (London Gazette, 28 October 2002); the Royal Mail Group plc Overseas Letter Post Amendment (No 6) Scheme 2003 (London Gazette, 11 April 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 7) Scheme 2003 (London Gazette, 2 May 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 8) Scheme 2003 (London Gazette, 3 October 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 9) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Overseas Letter Post Amendment (No 10) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Overseas Letter Post Amendment (No 11) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Overseas Letter Post Amendment (No 12) Scheme 2006 (London Gazette, 2 June 2006); the Royal Mail Group plc Overseas Letter Post Amendment [(No 13)] Scheme 2006 (London Gazette, 28 July 2006) (art 1 gives the citation '(No 12)', but this appears to be an error); the Royal Mail Group plc Overseas Letter Post Amendment (No 14) Scheme 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Overseas Letter Post Amendment (No 15) Scheme 2008 (London Gazette, 28 March 2008); and the Royal Mail Group Ltd Overseas Letter Post Amendment (No 16) Scheme 2009 (London Gazette, 27 March 2009).

Post Office Overseas Parcel Post Scheme 1982 replaced: see now the Post Office Overseas Parcel Post Scheme 2001 (London Gazette, 16 March 2001). The Post Office Overseas Parcel Post Scheme 2001 is renamed the Successor Postal Services Company Overseas Parcel Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Overseas Parcel Post Scheme 2001 is amended by the Consignia plc Overseas Parcel Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Overseas Parcel Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Overseas Parcel Post (Amendment No 3) Scheme 2002 (London Gazette, 21 December 2001); the Consignia plc Overseas Parcel Post (Amendment No 4) Scheme 2002 (London Gazette, 22 March 2002); the Royal Mail Group plc Overseas Parcel Post (Amendment No 5) Scheme 2003 (London Gazette, 14 March 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 6) Scheme 2003 (London Gazette, 21 March 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 7) Scheme 2003 (London Gazette, 19 December 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 8) Scheme 2004 (London Gazette, 10 September 2004); the Royal Mail Group plc Overseas Parcel Post (Amendment No 9) Scheme 2005 (London Gazette, 23 September 2005); the Royal Mail Group plc Overseas Parcel Post (Amendment No 10) Scheme 2006 (London Gazette, 18 August 2006); the Royal Mail Group Limited Overseas Parcel Post (Amendment No 11) Scheme 2007 (London Gazette, 13 July 2007); the Royal Mail Group Limited Overseas Parcel Post (Amendment No 12) Scheme 2008 (London Gazette, 4 April 2008); and the Royal Mail Group Limited Overseas Parcel Post (Amendment No 13) Scheme 2009 (London Gazette, 16 January 2009).

136 Redirection of postal packets after delivery

TEXT AND NOTES--Post Office Overseas Letter Post Scheme 1982 para 40 now the Successor Postal Services Company Overseas Letter Post Scheme 2001 para 41 (see further PARA 121).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(5) THE OVERSEAS POST/ (ii) Special Services and Facilities/137. Redirection of parcels after delivery.

137. Redirection of parcels after delivery.

An incoming¹ parcel² may be redirected from its original address, or any substituted address³, to the same addressee at any other address either within or outside the British postal area⁴ provided the parcel is eligible for transmission to the country or place of the new address and complies with the conditions applicable to such transmission, the sender has not forbidden redirection by means of a note on the address side⁵, and the parcel does not appear to have been opened or altered otherwise than by the substitution of a new address which must not be so placed as to obscure the original writing of the name of the addressee⁶.

On redirection of an incoming parcel to an address in the British postal area, additional postage is chargeable equal in amount to the postage which would be chargeable if it were posted anew in that area to that address⁷. If such postage is not prepaid on redirection, it is payable by the addressee, and delivery may be withheld unless it is paid⁸. However, the Post Office may remit such additional postage if the parcel is redirected on the day of delivery or on the following day⁹ to an address served by the same delivery office as the original address or in the same local parcel delivery area¹⁰.

An incoming parcel redirected to an address outside the British postal area will be delivered free of postage in respect of its redirection if the person redirecting it pays additional postage of an amount which would be payable if it were posted anew in that area to that address¹¹.

1 For the meaning of 'incoming' see PARA 131 note 4 ante.

2 For the meaning of 'parcel' see PARA 121 note 4 ante.

3 As to the substitution of an address where a parcel cannot be delivered and in accordance with the relevant postal arrangement the sender has furnished a substituted address see the Post Office Overseas Parcel Post Scheme 1982 para 17(2); and PARA 133 note 10 ante. As to the scheme see PARA 121 ante; and as to schemes generally see PARA 83 ante.

4 For the meaning of 'British postal area' see PARA 121 note 4 ante.

5 The note must be in English, or in any other language understood by the officers of the Post Office handling the packet: Post Office Overseas Parcel Post Scheme 1982 para 25(1). For the meaning of 'officer of the Post Office' see PARA 124 note 13 ante.

6 Ibid para 25(1).

7 Ibid para 25(2).

8 Ibid para 25(2).

9 Sundays, Christmas Day, New Year's Day, Good Friday and public holidays are disregarded: ibid para 25(3).

10 Ibid para 25(3).

11 Ibid para 25(4). Prepayment of such additional postage on redirection will not relieve the addressee from liability for any customs duty and other fees and charges, if any: para 25(4).

UPDATE

121-147 The Overseas Post

Post Office Overseas Letter Post Scheme 1982 replaced by the Post Office Overseas Letter Post Scheme 2001 (London Gazette, 16 March 2001). Post Office Overseas Letter Post Scheme 2001 renamed the Successor Postal Services Company Overseas Letter Post Scheme 2001: SI 2001/1148. Successor Postal Services Company Overseas Letter Post Scheme 2001 amended by the Consignia plc Overseas Letter Post Amendment (No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Overseas Letter Post Amendment (No 2) Scheme 2001 (London Gazette, 17 August 2001); the Consignia plc Overseas Letter Post Amendment (No 3) Scheme 2001 (London Gazette, 14 December 2001); the Consignia plc Overseas Letter Post Amendment (No 4) Scheme 2002 (London Gazette, 28 June 2002); the Consignia plc Overseas Letter Post Amendment (No 5) Scheme 2002 (London Gazette, 28 October 2002); the Royal Mail Group plc Overseas Letter Post Amendment (No 6) Scheme 2003 (London Gazette, 11 April 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 7) Scheme 2003 (London Gazette, 2 May 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 8) Scheme 2003 (London Gazette, 3 October 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 9) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Overseas Letter Post Amendment (No 10) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Overseas Letter Post Amendment (No 11) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Overseas Letter Post Amendment (No 12) Scheme 2006 (London Gazette, 2 June 2006); the Royal Mail Group plc Overseas Letter Post Amendment [(No 13)] Scheme 2006 (London Gazette, 28 July 2006) (art 1 gives the citation '(No 12)', but this appears to be an error); the Royal Mail Group plc Overseas Letter Post Amendment (No 14) Scheme 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Overseas Letter Post Amendment (No 15) Scheme 2008 (London Gazette, 28 March 2008); and the Royal Mail Group Ltd Overseas Letter Post Amendment (No 16) Scheme 2009 (London Gazette, 27 March 2009).

Post Office Overseas Parcel Post Scheme 1982 replaced: see now the Post Office Overseas Parcel Post Scheme 2001 (London Gazette, 16 March 2001). The Post Office Overseas Parcel Post Scheme 2001 is renamed the Successor Postal Services Company Overseas Parcel Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Overseas Parcel Post Scheme 2001 is amended by the Consignia plc Overseas Parcel Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Overseas Parcel Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Overseas Parcel Post (Amendment No 3) Scheme 2002 (London Gazette, 21 December 2001); the Consignia plc Overseas Parcel Post (Amendment No 4) Scheme 2002 (London Gazette, 22 March 2002); the Royal Mail Group plc Overseas Parcel Post (Amendment No 5) Scheme 2003 (London Gazette, 14 March 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 6) Scheme 2003 (London Gazette, 21 March 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 7) Scheme 2003 (London Gazette, 19 December 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 8) Scheme 2004 (London Gazette, 10 September 2004); the Royal Mail Group plc Overseas Parcel Post (Amendment No 9) Scheme 2005 (London Gazette, 23 September 2005); the Royal

Mail Group plc Overseas Parcel Post (Amendment No 10) Scheme 2006 (London Gazette, 18 August 2006); the Royal Mail Group Limited Overseas Parcel Post (Amendment No 11) Scheme 2007 (London Gazette, 13 July 2007); the Royal Mail Group Limited Overseas Parcel Post (Amendment No 12) Scheme 2008 (London Gazette, 4 April 2008); and the Royal Mail Group Limited Overseas Parcel Post (Amendment No 13) Scheme 2009 (London Gazette, 16 January 2009).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(5) THE OVERSEAS POST/ (ii) Special Services and Facilities/138. Special facilities.

138. Special facilities.

Certain provisions of the schemes relating to the inland post¹ with respect to special facilities extend to postal packets² and parcels³ transmitted in the overseas post⁴. Such special facilities in respect of postal packets include the collection of postal packets by the Post Office from private posting boxes⁵, the provision at Post Office delivery offices of private boxes⁶, the Selectapost service⁷, the redirection of postal packets by the Post Office⁸, the temporary retention service⁹, and the poste restante service¹⁰. In respect of parcels they include the provision at delivery offices of private boxes¹¹ and the redirection of postal packets by the Post Office¹².

Other facilities available in respect of postal packets in the overseas post are international reply coupons¹³, certificates of posting of unregistered packets¹⁴, advice of delivery of outgoing registered packets¹⁵ and inquiry into the suspected loss or non-delivery of an outgoing registered postal packet¹⁶.

1 See the Post Office Inland Letter Post Scheme 1989 and the Post Office Inland Parcel Post Scheme 1989; see PARA 95 ante. As to schemes generally see PARA 83 ante.

2 For the meaning of 'postal packet' see PARA 121 note 3 ante.

3 For the meaning of 'parcel' see PARA 121 note 4 ante.

4 See the Post Office Overseas Letter Post Scheme 1982 para 45, Sch 10, which apply certain provisions of the Post Office Inland Letter Post Scheme 1989, and the Post Office Overseas Parcel Post Scheme 1982 para 31, Sch 5, which apply certain provisions of the Post Office Inland Parcel Post Scheme 1989 to the transmission of parcels in the overseas post. As to the overseas schemes see PARA 121 ante.

5 See the Post Office Inland Letter Post Scheme 1989 Sch 3 item 6; and PARA 115 ante.

6 See ibid Sch 3 item 7 (as amended); and PARA 115 ante.

7 See ibid Sch 3 item 15; and PARA 115 ante.

8 See ibid Sch 3 item 9 (as amended); and PARA 113 ante.

9 Ibid Sch 3 para 13; and PARA 115 ante.

10 Ibid para 30 (amended by the Post Office Inland Letter Post Amendment (No 10) Scheme 1997); and PARA 115 ante.

11 See the Post Office Inland Parcel Post Scheme 1989 Sch 3 item 3; and PARA 115 ante.

12 See ibid Sch 3 item 4; and PARA 115 ante.

13 See the Post Office Overseas Letter Post Scheme 1982 para 39. 'International reply coupon' means a coupon issued in accordance with the terms of the Universal Postal Convention which may be bought at post offices in the British postal area and presented outside that area in any country which is a member of the Universal Postal Union, or bought in such a country and presented at a post office in the British postal area, for exchange or part exchange for postage stamps of such value, or postal stationery of such value and kind, as may be permitted in accordance with the terms of the convention: para 39(1). As to the Universal Postal Convention see PARA 11 ante. The charge for such a coupon is 60p: Post Office Overseas Letter Post Scheme 1982 para 39(2) (amended by the Post Office Overseas Letter Post Amendment (No 8) Scheme 1988).

14 See the Post Office Overseas Letter Post Scheme 1982 para 31. A certificate of posting may be given at the request of the sender free of charge for unregistered postal packets: para 31. Compensation for loss or damage is not payable in respect of an outgoing postal packet unless such a certificate was obtained: see PARA 122 ante. For the meaning of 'outgoing' see PARA 122 note 7 ante.

15 See *ibid* para 38. A request for advice of delivery must be made at the time of posting on a form prescribed by the Post Office and a fee of 40p paid: para 38(1) (amended by the Post Office Overseas Letter Post Amendment (No 14) Scheme 1993). As to the registration of postal packets see PARA 140 post.

16 See the Post Office Overseas Letter Post Scheme 1982 para 38. The request for such an inquiry must be made within one year after the day of posting: para 38(2) (amended by the Post Office Overseas Letter Post Amendment (No 8) Scheme 1988).

UPDATE

121-147 The Overseas Post

Post Office Overseas Letter Post Scheme 1982 replaced by the Post Office Overseas Letter Post Scheme 2001 (London Gazette, 16 March 2001). Post Office Overseas Letter Post Scheme 2001 renamed the Successor Postal Services Company Overseas Letter Post Scheme 2001: SI 2001/1148. Successor Postal Services Company Overseas Letter Post Scheme 2001 amended by the Consignia plc Overseas Letter Post Amendment (No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Overseas Letter Post Amendment (No 2) Scheme 2001 (London Gazette, 17 August 2001); the Consignia plc Overseas Letter Post Amendment (No 3) Scheme 2001 (London Gazette, 14 December 2001); the Consignia plc Overseas Letter Post Amendment (No 4) Scheme 2002 (London Gazette, 28 June 2002); the Consignia plc Overseas Letter Post Amendment (No 5) Scheme 2002 (London Gazette, 28 October 2002); the Royal Mail Group plc Overseas Letter Post Amendment (No 6) Scheme 2003 (London Gazette, 11 April 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 7) Scheme 2003 (London Gazette, 2 May 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 8) Scheme 2003 (London Gazette, 3 October 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 9) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Overseas Letter Post Amendment (No 10) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Overseas Letter Post Amendment (No 11) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Overseas Letter Post Amendment (No 12) Scheme 2006 (London Gazette, 2 June 2006); the Royal Mail Group plc Overseas Letter Post Amendment [(No 13)] Scheme 2006 (London Gazette, 28 July 2006) (art 1 gives the citation '(No 12)', but this appears to be an error); the Royal Mail Group plc Overseas Letter Post Amendment (No 14) Scheme 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Overseas Letter Post Amendment (No 15) Scheme 2008 (London Gazette, 28 March 2008); and the Royal Mail Group Ltd Overseas Letter Post Amendment (No 16) Scheme 2009 (London Gazette, 27 March 2009).

Post Office Overseas Parcel Post Scheme 1982 replaced: see now the Post Office Overseas Parcel Post Scheme 2001 (London Gazette, 16 March 2001). The Post Office Overseas Parcel Post Scheme 2001 is renamed the Successor Postal Services Company Overseas Parcel Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Overseas Parcel Post Scheme 2001 is amended by the Consignia plc

Overseas Parcel Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Overseas Parcel Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Overseas Parcel Post (Amendment No 3) Scheme 2002 (London Gazette, 21 December 2001); the Consignia plc Overseas Parcel Post (Amendment No 4) Scheme 2002 (London Gazette, 22 March 2002); the Royal Mail Group plc Overseas Parcel Post (Amendment No 5) Scheme 2003 (London Gazette, 14 March 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 6) Scheme 2003 (London Gazette, 21 March 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 7) Scheme 2003 (London Gazette, 19 December 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 8) Scheme 2004 (London Gazette, 10 September 2004); the Royal Mail Group plc Overseas Parcel Post (Amendment No 9) Scheme 2005 (London Gazette, 23 September 2005); the Royal Mail Group plc Overseas Parcel Post (Amendment No 10) Scheme 2006 (London Gazette, 18 August 2006); the Royal Mail Group Limited Overseas Parcel Post (Amendment No 11) Scheme 2007 (London Gazette, 13 July 2007); the Royal Mail Group Limited Overseas Parcel Post (Amendment No 12) Scheme 2008 (London Gazette, 4 April 2008); and the Royal Mail Group Limited Overseas Parcel Post (Amendment No 13) Scheme 2009 (London Gazette, 16 January 2009).

138 Special facilities

TEXT AND NOTES--Post Office Overseas Letter Post Scheme 1982 replaced by the Successor Postal Services Company Overseas Letter Post Scheme 2001 (see PARA 121). The paragraph numbers remain the same unless otherwise stated.

NOTE 4--Post Office Overseas Letter Post Scheme 1982 para 45, Sch 10 now Successor Postal Services Company Overseas Letter Post Scheme 2001 para 46, Sch 13.

NOTE 13--Post Office Overseas Letter Post Scheme 1982 para 39 now Successor Postal Services Company Overseas Letter Post Scheme 2001 para 40 (amended by the Royal Mail Group Ltd Overseas Letter Post Amendment (No 15) Scheme 2008 (London Gazette, 28 March 2008)).

NOTES 15, 16--Post Office Overseas Letter Post Scheme 1982 para 38 now Successor Postal Services Company Overseas Letter Post Scheme 2001 para 39 (amended by the Consignia plc Overseas Letter Post (Amendment No 5) Scheme 2002 (London Gazette, 28 October 2002)).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(5) THE OVERSEAS POST/ (ii) Special Services and Facilities/139. Clearance through customs of postal packets and parcels.

139. Clearance through customs of postal packets and parcels.

The following facilities are available in respect of the clearance through customs of an incoming postal packet¹ in bond²:

- (1) searching for the packet with a view to expedited clearance³;
- (2) permitting the addressee or his authorised agent to attend and inspect the packet⁴;
- (3) re-addressing the packet to any person within or outside the British postal area⁵;

- (4) permitting the addressee or his authorised agent to attend the place where the packet is so to re-address the packet⁶; or
- (5) transferring the packet to another place appointed as a place for customs examination and nominated by the addressee⁷.

Fees must be charged in respect of the above facilities⁸. Any fee charged⁹, and any sums charged or payable¹⁰, on a postal packet which is re-addressed must be paid by the original addressee¹¹. In respect of each packet which is re-addressed to an address outside the British postal area, the original addressee must pay the same postage and fees as would have been paid if the packet had been posted anew for transmission to the new address¹².

The Post Office may charge a fee with respect to the clearance through customs of an incoming parcel¹³. The Post Office may charge a fee for the storage of one or more parcels during the course of their clearance through customs¹⁴.

1 For the meaning of 'postal packet' see PARA 121 note 3 ante. 'Postal packet in bond' means a postal packet which is in the custody of the Post Office at some place appointed by it and the Commissioners of Customs and Excise for customs examination: Post Office Overseas Letter Post Scheme 1982 para 41(5).

2 The facilities are payable on the application of the addressee and on the payment of a fee: ibid para 41(1)-(2). As to the scheme see PARA 121 ante; and as to schemes generally see PARA 83 ante.

3 Ibid para 41(1)(a).

4 Ibid para 41(1)(b).

5 Ibid para 41(1)(c). For the meaning of 'British postal area' see PARA 121 note 3 ante.

6 Ibid para 41(1)(d).

7 Post Office Overseas Letter Post Scheme 1982 para 41(1)(e).

8 Ibid para 41(2), Sch 7 (substituted by the Post Office Overseas Letter Post Amendment (No 16) Scheme 1996).

9 Ie charged under the Post Office Overseas Letter Post Scheme 1982 para 15(3) (amended by the Post Office Overseas Letter Post Amendment (No 9) Scheme 1989): Post Office Overseas Letter Post Scheme 1982 para 41(3). Under para 15(3) (as amended), the Post Office may charge a fee on an incoming postal packet which is produced to the proper officer of Customs and Excise.

10 Ie charged or payable under ibid para 17 (unpaid or underpaid postage: see PARA 131 ante): para 41(3).

11 Ibid para 41(3).

12 Ibid para 41(4).

13 Post Office Overseas Parcel Post Scheme 1982 para 9. The fee, if charged, must be paid by the addressee if the parcel is delivered to him: para 9. For the meaning of 'parcel' see PARA 121 note 4 ante. For the meaning of 'incoming' see PARA 131 note 4 ante.

14 Ibid para 27(5).

UPDATE

121-147 The Overseas Post

Post Office Overseas Letter Post Scheme 1982 replaced by the Post Office Overseas Letter Post Scheme 2001 (London Gazette, 16 March 2001). Post Office Overseas Letter Post Scheme 2001 renamed the Successor Postal Services Company Overseas Letter Post Scheme 2001: SI 2001/1148. Successor Postal Services Company Overseas Letter

Post Scheme 2001 amended by the Consignia plc Overseas Letter Post Amendment (No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Overseas Letter Post Amendment (No 2) Scheme 2001 (London Gazette, 17 August 2001); the Consignia plc Overseas Letter Post Amendment (No 3) Scheme 2001 (London Gazette, 14 December 2001); the Consignia plc Overseas Letter Post Amendment (No 4) Scheme 2002 (London Gazette, 28 June 2002); the Consignia plc Overseas Letter Post Amendment (No 5) Scheme 2002 (London Gazette, 28 October 2002); the Royal Mail Group plc Overseas Letter Post Amendment (No 6) Scheme 2003 (London Gazette, 11 April 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 7) Scheme 2003 (London Gazette, 2 May 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 8) Scheme 2003 (London Gazette, 3 October 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 9) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Overseas Letter Post Amendment (No 10) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Overseas Letter Post Amendment (No 11) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Overseas Letter Post Amendment (No 12) Scheme 2006 (London Gazette, 2 June 2006); the Royal Mail Group plc Overseas Letter Post Amendment [(No 13)] Scheme 2006 (London Gazette, 28 July 2006) (art 1 gives the citation '(No 12)', but this appears to be an error); the Royal Mail Group plc Overseas Letter Post Amendment (No 14) Scheme 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Overseas Letter Post Amendment (No 15) Scheme 2008 (London Gazette, 28 March 2008); and the Royal Mail Group Ltd Overseas Letter Post Amendment (No 16) Scheme 2009 (London Gazette, 27 March 2009).

Post Office Overseas Parcel Post Scheme 1982 replaced: see now the Post Office Overseas Parcel Post Scheme 2001 (London Gazette, 16 March 2001). The Post Office Overseas Parcel Post Scheme 2001 is renamed the Successor Postal Services Company Overseas Parcel Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Overseas Parcel Post Scheme 2001 is amended by the Consignia plc Overseas Parcel Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Overseas Parcel Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Overseas Parcel Post (Amendment No 3) Scheme 2002 (London Gazette, 21 December 2001); the Consignia plc Overseas Parcel Post (Amendment No 4) Scheme 2002 (London Gazette, 22 March 2002); the Royal Mail Group plc Overseas Parcel Post (Amendment No 5) Scheme 2003 (London Gazette, 14 March 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 6) Scheme 2003 (London Gazette, 21 March 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 7) Scheme 2003 (London Gazette, 19 December 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 8) Scheme 2004 (London Gazette, 10 September 2004); the Royal Mail Group plc Overseas Parcel Post (Amendment No 9) Scheme 2005 (London Gazette, 23 September 2005); the Royal Mail Group plc Overseas Parcel Post (Amendment No 10) Scheme 2006 (London Gazette, 18 August 2006); the Royal Mail Group Limited Overseas Parcel Post (Amendment No 11) Scheme 2007 (London Gazette, 13 July 2007); the Royal Mail Group Limited Overseas Parcel Post (Amendment No 12) Scheme 2008 (London Gazette, 4 April 2008); and the Royal Mail Group Limited Overseas Parcel Post (Amendment No 13) Scheme 2009 (London Gazette, 16 January 2009).

139 Clearance through customs of postal packets and parcels

TEXT AND NOTES 1-12--Post Office Overseas Letter Post Scheme 1982 para 41, Sch 7 now the Successor Postal Services Company Overseas Letter Post Scheme 2001 para 42, Sch 11 (see further PARA 121).

NOTE 9--Post Office Overseas Letter Post Scheme 1982 para 15(3) now the Successor Postal Services Company Overseas Letter Post Scheme 2001 para 15(3) (substituted by the Royal Mail Group plc Overseas Letter Post Amendment (No 14) Scheme 2007 (London Gazette, 16 March 2007) (see further PARA 121)).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(5) THE OVERSEAS POST/(iii) Registration/140. Registration of postal packets.

(iii) Registration

140. Registration of postal packets.

Any outgoing¹ postal packet², other than a printed packet³ or a small packet⁴ for transmission through a British forces post office outside the British postal area⁵, may be registered⁶. The packet must not be addressed to an addressee identified by initials only, or addressed by means of a pencil⁷. It must be handed to an officer on duty at a post office or, unless it is to be insured⁸, to an officer of the Post Office⁹ authorised to receive packets for registration elsewhere¹⁰. A registration fee must be paid in addition to the postage¹¹, receipt of which will be acknowledged on a certificate of posting given to the sender¹².

On delivery of an incoming¹³ registered packet the recipient must give a written receipt for it in the prescribed form¹⁴. Where such a receipt is not obtained, the packet may nevertheless be delivered, or may be withheld and dealt with or disposed of as the Post Office may think fit¹⁵.

1 For the meaning of 'outgoing' see PARA 122 note 7 ante.

2 For the meaning of 'postal packet' see PARA 121 note 3 ante.

3 For the meaning of 'printed packet' see the Post Office Overseas Letter Post Scheme 1982 para 22(1). As to the scheme see PARA 121 ante; and as to schemes generally see PARA 83 ante.

4 For the meaning of 'small packet' see ibid para 24(1).

5 For the meaning of 'British postal area' see PARA 121 note 3 ante.

6 Post Office Overseas Letter Post Scheme 1982 para 32(1).

7 Ibid para 32(2)(a). The packet may be addressed by means of a copying ink pencil unless it is sent in an envelope with a transparent panel: para 32(2)(a) proviso.

8 As to insurance see PARA 730 post.

9 For the meaning of 'officer of the Post Office' see PARA 124 note 13 ante.

10 Post Office Overseas Letter Post Scheme 1982 para 32(2)(b).

11 As to the registration fee see ibid para 32(2)(c) (amended by the Post Office Overseas Letter Post Amendment (No 18) Scheme 1999).

12 Post Office Overseas Letter Post Scheme 1982 para 32(2)(d).

13 For the meaning of 'incoming' see PARA 131 note 4 ante.

14 Post Office Overseas Letter Post Scheme 1982 para 32(3).

15 Ibid para 32(3).

UPDATE**121-147 The Overseas Post**

Post Office Overseas Letter Post Scheme 1982 replaced by the Post Office Overseas Letter Post Scheme 2001 (London Gazette, 16 March 2001). Post Office Overseas Letter Post Scheme 2001 renamed the Successor Postal Services Company Overseas Letter Post Scheme 2001: SI 2001/1148. Successor Postal Services Company Overseas Letter Post Scheme 2001 amended by the Consignia plc Overseas Letter Post Amendment (No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Overseas Letter Post Amendment (No 2) Scheme 2001 (London Gazette, 17 August 2001); the Consignia plc Overseas Letter Post Amendment (No 3) Scheme 2001 (London Gazette, 14 December 2001); the Consignia plc Overseas Letter Post Amendment (No 4) Scheme 2002 (London Gazette, 28 June 2002); the Consignia plc Overseas Letter Post Amendment (No 5) Scheme 2002 (London Gazette, 28 October 2002); the Royal Mail Group plc Overseas Letter Post Amendment (No 6) Scheme 2003 (London Gazette, 11 April 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 7) Scheme 2003 (London Gazette, 2 May 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 8) Scheme 2003 (London Gazette, 3 October 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 9) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Overseas Letter Post Amendment (No 10) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Overseas Letter Post Amendment (No 11) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Overseas Letter Post Amendment (No 12) Scheme 2006 (London Gazette, 2 June 2006); the Royal Mail Group plc Overseas Letter Post Amendment [(No 13)] Scheme 2006 (London Gazette, 28 July 2006) (art 1 gives the citation '(No 12)', but this appears to be an error); the Royal Mail Group plc Overseas Letter Post Amendment (No 14) Scheme 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Overseas Letter Post Amendment (No 15) Scheme 2008 (London Gazette, 28 March 2008); and the Royal Mail Group Ltd Overseas Letter Post Amendment (No 16) Scheme 2009 (London Gazette, 27 March 2009).

Post Office Overseas Parcel Post Scheme 1982 replaced: see now the Post Office Overseas Parcel Post Scheme 2001 (London Gazette, 16 March 2001). The Post Office Overseas Parcel Post Scheme 2001 is renamed the Successor Postal Services Company Overseas Parcel Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Overseas Parcel Post Scheme 2001 is amended by the Consignia plc Overseas Parcel Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Overseas Parcel Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Overseas Parcel Post (Amendment No 3) Scheme 2002 (London Gazette, 21 December 2001); the Consignia plc Overseas Parcel Post (Amendment No 4) Scheme 2002 (London Gazette, 22 March 2002); the Royal Mail Group plc Overseas Parcel Post (Amendment No 5) Scheme 2003 (London Gazette, 14 March 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 6) Scheme 2003 (London Gazette, 21 March 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 7) Scheme 2003 (London Gazette, 19 December 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 8) Scheme 2004 (London Gazette, 10 September 2004); the Royal Mail Group plc Overseas Parcel Post (Amendment No 9) Scheme 2005 (London Gazette, 23 September 2005); the Royal Mail Group plc Overseas Parcel Post (Amendment No 10) Scheme 2006 (London Gazette, 18 August 2006); the Royal Mail Group Limited Overseas Parcel Post (Amendment No 11) Scheme 2007 (London Gazette, 13 July 2007); the Royal Mail Group Limited Overseas Parcel Post (Amendment No 12) Scheme 2008 (London

Gazette, 4 April 2008); and the Royal Mail Group Limited Overseas Parcel Post (Amendment No 13) Scheme 2009 (London Gazette, 16 January 2009).

140-141 Registration of postal packets; Compensation for registered packets

TEXT AND NOTES--Post Office Overseas Letter Post Scheme 1982 replaced by the Successor Postal Services Company Overseas Letter Post Scheme 2001 (see PARA 121). The paragraph numbers remain the same.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(5) THE OVERSEAS POST/(iii) Registration/141. Compensation for registered packets.

141. Compensation for registered packets.

Where the Post Office is satisfied that any article of pecuniary value enclosed in or forming part of a registered postal packet¹, other than an insured letter², is lost or damaged whilst in the course of transmission by post, or that any such packet is lost whilst in the course of transmission, it may pay such sum as it thinks just to any person who in its opinion establishes a reasonable claim, whether as the sender or the addressee³. The total amount of compensation which the Post Office may pay in respect of any one registered packet must not exceed £28⁴. Such compensation will not be paid in respect of any packet unless: (1) a claim is made by the sender or the addressee within a period of 12 months beginning with the date on which the packet was posted⁵; (2) in the case of an outgoing⁶ registered packet, a certificate of posting⁷ was obtained at the time of posting⁸; and (3) certain other conditions⁹ are complied with¹⁰.

No such compensation is payable in respect of a packet or its contents if the packet has been destroyed or otherwise dealt with or disposed of by the Post Office pursuant to its statutory power¹¹ or the provisions of the scheme or by another postal administration under a provision of the law of the country or place of that administration¹².

In the case of a registered postal packet which was redirected after delivery at the place to which it was addressed¹³, no such compensation may be paid for the loss of, or damage to, the postal packet, or any of its contents, while in the course of further transmission by post, unless the packet was so redirected by being posted anew and full postage was prepaid on such reposting¹⁴.

1 For the meaning of 'postal packet' see PARA 121 note 3 ante. As to registered packets see PARA 140 ante.

2 As to insured letters see PARA 143 post.

3 Post Office Overseas Letter Post Scheme 1982 para 33(1). As to the scheme see PARA 121 ante; and as to schemes generally see PARA 83 ante.

4 Ibid para 33(2) (substituted by the Post Office Overseas Letter Post Amendment (No 18) Scheme 1999).

5 Post Office Overseas Letter Post Scheme 1982 para 33(7)(a).

6 For the meaning of 'outgoing' see PARA 122 note 7 ante.

7 Ie the certificate referred to in the Post Office Overseas Letter Post Scheme 1982 para 32(1)(d): see PARA 140 ante.

- 8 Ibid para 33(7)(b).
- 9 Ie the conditions set out in ibid para 33(3), Sch 9 paras (2)-(4), (6).
- 11 Ie its power under the Post Office Act 1953 s 8(3): see PARA 89 ante.
- 12 Post Office Overseas Letter Post Scheme 1982 para 33(5).
- 13 Ie redirected under ibid para 40: see PARA 136 ante.
- 14 Ibid para 33(4).

UPDATE

121-147 The Overseas Post

Post Office Overseas Letter Post Scheme 1982 replaced by the Post Office Overseas Letter Post Scheme 2001 (London Gazette, 16 March 2001). Post Office Overseas Letter Post Scheme 2001 renamed the Successor Postal Services Company Overseas Letter Post Scheme 2001: SI 2001/1148. Successor Postal Services Company Overseas Letter Post Scheme 2001 amended by the Consignia plc Overseas Letter Post Amendment (No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Overseas Letter Post Amendment (No 2) Scheme 2001 (London Gazette, 17 August 2001); the Consignia plc Overseas Letter Post Amendment (No 3) Scheme 2001 (London Gazette, 14 December 2001); the Consignia plc Overseas Letter Post Amendment (No 4) Scheme 2002 (London Gazette, 28 June 2002); the Consignia plc Overseas Letter Post Amendment (No 5) Scheme 2002 (London Gazette, 28 October 2002); the Royal Mail Group plc Overseas Letter Post Amendment (No 6) Scheme 2003 (London Gazette, 11 April 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 7) Scheme 2003 (London Gazette, 2 May 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 8) Scheme 2003 (London Gazette, 3 October 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 9) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Overseas Letter Post Amendment (No 10) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Overseas Letter Post Amendment (No 11) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Overseas Letter Post Amendment (No 12) Scheme 2006 (London Gazette, 2 June 2006); the Royal Mail Group plc Overseas Letter Post Amendment [(No 13)] Scheme 2006 (London Gazette, 28 July 2006) (art 1 gives the citation '(No 12)', but this appears to be an error); the Royal Mail Group plc Overseas Letter Post Amendment (No 14) Scheme 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Overseas Letter Post Amendment (No 15) Scheme 2008 (London Gazette, 28 March 2008); and the Royal Mail Group Ltd Overseas Letter Post Amendment (No 16) Scheme 2009 (London Gazette, 27 March 2009).

Post Office Overseas Parcel Post Scheme 1982 replaced: see now the Post Office Overseas Parcel Post Scheme 2001 (London Gazette, 16 March 2001). The Post Office Overseas Parcel Post Scheme 2001 is renamed the Successor Postal Services Company Overseas Parcel Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Overseas Parcel Post Scheme 2001 is amended by the Consignia plc Overseas Parcel Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Overseas Parcel Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Overseas Parcel Post (Amendment No 3) Scheme 2002 (London Gazette, 21 December 2001); the Consignia plc Overseas Parcel Post (Amendment No 4) Scheme 2002 (London Gazette, 22 March 2002); the Royal Mail Group plc Overseas Parcel Post (Amendment No 5) Scheme 2003 (London Gazette, 14 March 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment

No 6) Scheme 2003 (London Gazette, 21 March 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 7) Scheme 2003 (London Gazette, 19 December 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 8) Scheme 2004 (London Gazette, 10 September 2004); the Royal Mail Group plc Overseas Parcel Post (Amendment No 9) Scheme 2005 (London Gazette, 23 September 2005); the Royal Mail Group plc Overseas Parcel Post (Amendment No 10) Scheme 2006 (London Gazette, 18 August 2006); the Royal Mail Group Limited Overseas Parcel Post (Amendment No 11) Scheme 2007 (London Gazette, 13 July 2007); the Royal Mail Group Limited Overseas Parcel Post (Amendment No 12) Scheme 2008 (London Gazette, 4 April 2008); and the Royal Mail Group Limited Overseas Parcel Post (Amendment No 13) Scheme 2009 (London Gazette, 16 January 2009).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(5) THE OVERSEAS POST/(iii) Registration/142. Compulsory registration and insurance.

142. Compulsory registration and insurance.

Every outgoing¹ postal packet² marked with the word 'registered' or otherwise obviously intended to be registered which was not posted in the manner required in the case of an outgoing registered packet³ must:

- (1) if the registration fee on the packet has been prepaid, be registered before it is forwarded⁴;
- (2) if the registration fee has not been prepaid in full, be withheld from transmission and may be returned to the sender for registration⁵.

An outgoing postal packet containing certain valuable articles⁶ which is found in the post unregistered must not be forwarded until it has been registered, and, if the regulations of the country or place to which it is addressed so require, insured⁷, for which purpose it may be returned to the sender⁸. An incoming⁹ postal packet containing any such articles which is found in the post unregistered may be forwarded to the addressee as a registered postal packet and delivered to him on payment of the registration fee, or it may be returned to the postal administration of the country or place of origin¹⁰.

1 For the meaning of 'outgoing' see PARA 122 note 7 ante.

2 For the meaning of 'postal packet' see PARA 121 note 3 ante.

3 As to registration and the manner of posting registered postal packets see PARA 140 ante.

4 Post Office Overseas Letter Post Scheme 1982 para 34(1)(a). The packet may be detained for that purpose until the next ordinary dispatch of packets after that by which it would otherwise have been forwarded: para 34(1)(a). As to the scheme see PARA 121 ante; and as to schemes generally see PARA 83 ante.

5 Ibid para 34(1)(b).

6 Those articles are coin (for the meaning of which see PARA 124 note 25 ante), bank notes, currency notes, securities or instruments payable to bearer, platinum, gold or silver whether manufactured or not, precious stones, jewels or other valuable articles: ibid para 34(2).

7 As to insurance see PARA 143 post.

8 Post Office Overseas Letter Post Scheme 1982 para 34(2).

9 For the meaning of 'incoming' see PARA 131 note 4 ante.

10 Post Office Overseas Letter Post Scheme 1982 para 34(2).

UPDATE

121-147 The Overseas Post

Post Office Overseas Letter Post Scheme 1982 replaced by the Post Office Overseas Letter Post Scheme 2001 (London Gazette, 16 March 2001). Post Office Overseas Letter Post Scheme 2001 renamed the Successor Postal Services Company Overseas Letter Post Scheme 2001: SI 2001/1148. Successor Postal Services Company Overseas Letter Post Scheme 2001 amended by the Consignia plc Overseas Letter Post Amendment (No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Overseas Letter Post Amendment (No 2) Scheme 2001 (London Gazette, 17 August 2001); the Consignia plc Overseas Letter Post Amendment (No 3) Scheme 2001 (London Gazette, 14 December 2001); the Consignia plc Overseas Letter Post Amendment (No 4) Scheme 2002 (London Gazette, 28 June 2002); the Consignia plc Overseas Letter Post Amendment (No 5) Scheme 2002 (London Gazette, 28 October 2002); the Royal Mail Group plc Overseas Letter Post Amendment (No 6) Scheme 2003 (London Gazette, 11 April 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 7) Scheme 2003 (London Gazette, 2 May 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 8) Scheme 2003 (London Gazette, 3 October 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 9) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Overseas Letter Post Amendment (No 10) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Overseas Letter Post Amendment (No 11) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Overseas Letter Post Amendment (No 12) Scheme 2006 (London Gazette, 2 June 2006); the Royal Mail Group plc Overseas Letter Post Amendment [(No 13)] Scheme 2006 (London Gazette, 28 July 2006) (art 1 gives the citation '(No 12)', but this appears to be an error); the Royal Mail Group plc Overseas Letter Post Amendment (No 14) Scheme 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Overseas Letter Post Amendment (No 15) Scheme 2008 (London Gazette, 28 March 2008); and the Royal Mail Group Ltd Overseas Letter Post Amendment (No 16) Scheme 2009 (London Gazette, 27 March 2009).

Post Office Overseas Parcel Post Scheme 1982 replaced: see now the Post Office Overseas Parcel Post Scheme 2001 (London Gazette, 16 March 2001). The Post Office Overseas Parcel Post Scheme 2001 is renamed the Successor Postal Services Company Overseas Parcel Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Overseas Parcel Post Scheme 2001 is amended by the Consignia plc Overseas Parcel Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Overseas Parcel Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Overseas Parcel Post (Amendment No 3) Scheme 2002 (London Gazette, 21 December 2001); the Consignia plc Overseas Parcel Post (Amendment No 4) Scheme 2002 (London Gazette, 22 March 2002); the Royal Mail Group plc Overseas Parcel Post (Amendment No 5) Scheme 2003 (London Gazette, 14 March 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 6) Scheme 2003 (London Gazette, 21 March 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 7) Scheme 2003 (London Gazette, 19 December 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 8) Scheme 2004 (London Gazette, 10 September 2004); the Royal Mail Group plc Overseas Parcel Post (Amendment No 9) Scheme 2005 (London Gazette, 23 September 2005); the Royal Mail Group plc Overseas Parcel Post (Amendment No 10) Scheme 2006 (London

Gazette, 18 August 2006); the Royal Mail Group Limited Overseas Parcel Post (Amendment No 11) Scheme 2007 (London Gazette, 13 July 2007); the Royal Mail Group Limited Overseas Parcel Post (Amendment No 12) Scheme 2008 (London Gazette, 4 April 2008); and the Royal Mail Group Limited Overseas Parcel Post (Amendment No 13) Scheme 2009 (London Gazette, 16 January 2009).

142 Compulsory registration and insurance

TEXT AND NOTES--Post Office Overseas Letter Post Scheme 1982 para 34 now Successor Postal Services Company Overseas Letter Post Scheme 2001 para 35 (substituted by the Royal Mail Group plc Overseas Letter Post (Amendment No 8) Scheme 2003 (London Gazette, 3 October 2003)) (see further PARA 121).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(5) THE OVERSEAS POST/(iii) Registration/143. Insured letters.

143. Insured letters.

An outgoing¹ insured letter² must be registered³ and must be posted by handing it to an officer on duty at a post office for registration and insurance⁴. The letter must not be addressed by means of a pencil, nor may the addressee be identified by initials only⁵. The sender of the letter must mark on the cover, by means other than a pencil, 'insured for' followed by the amount, in words and figures, for which it is to be insured, being an amount which does not exceed the specified limit or, if less, its real value⁶, and he must pay a compensation fee the amount of which depends upon the amount for which the letter is insured⁷. No erasure or correction of the amount marked or of the address is permitted except on redirection of a letter⁸. There are detailed rules with respect to the envelope or packing and the sealing and securing of an outgoing insured letter⁹.

On delivery of an incoming¹⁰ insured letter, the recipient is required to give a receipt for it¹¹. Where such a receipt is not obtained, the letter may nevertheless be delivered, or withheld and dealt with or disposed of as the Post Office may think fit¹².

1 For the meaning of 'outgoing' see PARA 122 note 7 ante.

2 For the meaning of 'letter' see PARA 121 note 3 ante; and for the meaning of 'insured letter' see PARA 124 note 6 ante.

3 Post Office Overseas Letter Post Scheme 1982 para 35(1)(a). As to the scheme see PARA 121 ante; and as to schemes generally see PARA 83 ante. As to registration see PARA 140 ante.

4 Ibid para 35(1)(g). In practice, this service does not currently operate.

5 Ibid para 35(1)(b).

6 Post Office Overseas Letter Post Scheme 1982 para 35(1)(d) (amended by the Post Office Overseas Letter Post Amendment (No 16) Scheme 1996). The limit of the amount for which a letter may be insured will be lower than that specified by the scheme if the arrangement with the postal administration of the country of destination so provides: Post Office Overseas Letter Post Scheme 1982 para 35(1)(d) (as so amended).

7 Post Office Overseas Letter Post Scheme 1982 para 35(1)(f), Sch 6 (substituted by the Post Office Overseas Letter Post Amendment (No 18) Scheme 1999). As to payment of compensation for loss or damage see PARA 122 ante.

8 Post Office Overseas Letter Post Scheme 1982 para 35(1)(e).

- 9 Ibid para 35(1)(c); and see PARA 127 note 10 ante.
- 10 For the meaning of 'incoming' see PARA 131 note 4 ante.
- 11 Post Office Overseas Letter Post Scheme 1982 para 35(2).
- 12 Ibid para 35(2).

UPDATE

121-147 The Overseas Post

Post Office Overseas Letter Post Scheme 1982 replaced by the Post Office Overseas Letter Post Scheme 2001 (London Gazette, 16 March 2001). Post Office Overseas Letter Post Scheme 2001 renamed the Successor Postal Services Company Overseas Letter Post Scheme 2001: SI 2001/1148. Successor Postal Services Company Overseas Letter Post Scheme 2001 amended by the Consignia plc Overseas Letter Post Amendment (No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Overseas Letter Post Amendment (No 2) Scheme 2001 (London Gazette, 17 August 2001); the Consignia plc Overseas Letter Post Amendment (No 3) Scheme 2001 (London Gazette, 14 December 2001); the Consignia plc Overseas Letter Post Amendment (No 4) Scheme 2002 (London Gazette, 28 June 2002); the Consignia plc Overseas Letter Post Amendment (No 5) Scheme 2002 (London Gazette, 28 October 2002); the Royal Mail Group plc Overseas Letter Post Amendment (No 6) Scheme 2003 (London Gazette, 11 April 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 7) Scheme 2003 (London Gazette, 2 May 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 8) Scheme 2003 (London Gazette, 3 October 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 9) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Overseas Letter Post Amendment (No 10) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Overseas Letter Post Amendment (No 11) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Overseas Letter Post Amendment (No 12) Scheme 2006 (London Gazette, 2 June 2006); the Royal Mail Group plc Overseas Letter Post Amendment [(No 13)] Scheme 2006 (London Gazette, 28 July 2006) (art 1 gives the citation '(No 12)', but this appears to be an error); the Royal Mail Group plc Overseas Letter Post Amendment (No 14) Scheme 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Overseas Letter Post Amendment (No 15) Scheme 2008 (London Gazette, 28 March 2008); and the Royal Mail Group Ltd Overseas Letter Post Amendment (No 16) Scheme 2009 (London Gazette, 27 March 2009).

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(London Gazette, 10 September 2004); the Royal Mail Group plc Overseas Parcel Post (Amendment No 9) Scheme 2005 (London Gazette, 23 September 2005); the Royal Mail Group plc Overseas Parcel Post (Amendment No 10) Scheme 2006 (London Gazette, 18 August 2006); the Royal Mail Group Limited Overseas Parcel Post (Amendment No 11) Scheme 2007 (London Gazette, 13 July 2007); the Royal Mail Group Limited Overseas Parcel Post (Amendment No 12) Scheme 2008 (London Gazette, 4 April 2008); and the Royal Mail Group Limited Overseas Parcel Post (Amendment No 13) Scheme 2009 (London Gazette, 16 January 2009).

143 Insured letters

TEXT AND NOTES--Post Office Overseas Letter Post Scheme 1982 para 35, Sch 6 now Successor Postal Services Company Overseas Letter Post Scheme 2001 para 36 (substituted by the Consignia plc Overseas Letter Post Amendment (No 5) Scheme 2002 (London Gazette, 28 October 2002)) (see further PARA 121).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(5) THE OVERSEAS POST/(iii) Registration/144. Compensation for insured letters.

144. Compensation for insured letters.

If an insured letter¹, or any article of pecuniary value in or forming part of an insured letter, is lost or damaged whilst in the course of its transmission by post, the Post Office may pay such sum as it thinks just to any person who in its opinion establishes a reasonable claim, whether as the sender or as the addressee².

In the case of an outgoing³ or incoming⁴ insured letter the sum paid by way of compensation must not exceed £2,200 or such smaller sum as may be from time to time fixed in accordance with the terms of any relevant postal arrangements with a postal administration⁵. Subject to the foregoing, the maximum amount of compensation which the Post Office pays must be based on the market value of the article (excluding the value of any message or communication) at the time of posting, where the Post Office is satisfied that the article has been lost or rendered valueless⁶. The Post Office may additionally pay an amount equivalent to the postage and compensation fee paid by the sender of the letter⁷.

If compensation has been paid to any person in respect of the loss of an insured letter which the sender has insured for a sum exceeding the real value of the contents and packing and the letter subsequently comes into the possession of the Post Office, then upon tender of the letter to that person, whether or not he accepts it, he must repay to the Post Office the sum paid by way of compensation or such part thereof as the Post Office may require⁸.

No such compensation may be paid unless a claim is received from the sender or the addressee within a period of 12 months beginning with the date on which the packet was posted and, in the case of an outgoing letter, a certificate of posting was obtained⁹.

No such compensation is payable in respect of a packet which has been destroyed or otherwise dealt with or disposed of by the Post Office pursuant to its statutory power¹⁰ or the provisions of a scheme or by another postal administration under a provision of the law or country or place of administration¹¹. In the case of a letter which was redirected after delivery at the place to which it was addressed¹², no such compensation may be paid for the loss of, or damage to, the letter, or any of its contents, while in the course of further transmission by post, unless the letter was so redirected by being posted anew and full postage was prepaid on such reposting¹³.

- 1 As to insured letters see PARA 143 ante.
- 2 Post Office Overseas Letter Post Scheme 1982 para 36(1). As to the scheme see PARA 121 ante; and as to schemes generally see PARA 83 ante.
- 3 For the meaning of 'incoming' see PARA 131 note 4 ante.
- 4 For the meaning of 'outgoing' see PARA 122 note 7 ante.
- 5 Post Office Overseas Letter Post Scheme 1982 para 36(2), (amended by the Post Office Overseas Letter Post Amendment (No 16) Scheme 1996), Post Office Overseas Letter Post Scheme 1982 para 36(3) (amended by the Post Office Overseas Letter Post Amendment (No 16) Scheme 1996).
- 6 Post Office Overseas Letter Post Scheme 1982 para 36(4).
- 7 Ibid para 36(5).
- 8 Ibid para 36(10). Further conditions must also be complied with: see PARA 36(6), Sch 9.
- 9 Ibid para 36(11).
- 10 Ie its power under the Post Office Act 1953 s 8(3) (as amended): see PARA 89 ante.
- 11 Post Office Overseas Letter Post Scheme 1989 para 36(8).
- 12 Ie redirected under ibid para 40: see PARA 136 post.
- 13 Ibid para 36(7).

UPDATE

121-147 The Overseas Post

Post Office Overseas Letter Post Scheme 1982 replaced by the Post Office Overseas Letter Post Scheme 2001 (London Gazette, 16 March 2001). Post Office Overseas Letter Post Scheme 2001 renamed the Successor Postal Services Company Overseas Letter Post Scheme 2001: SI 2001/1148. Successor Postal Services Company Overseas Letter Post Scheme 2001 amended by the Consignia plc Overseas Letter Post Amendment (No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Overseas Letter Post Amendment (No 2) Scheme 2001 (London Gazette, 17 August 2001); the Consignia plc Overseas Letter Post Amendment (No 3) Scheme 2001 (London Gazette, 14 December 2001); the Consignia plc Overseas Letter Post Amendment (No 4) Scheme 2002 (London Gazette, 28 June 2002); the Consignia plc Overseas Letter Post Amendment (No 5) Scheme 2002 (London Gazette, 28 October 2002); the Royal Mail Group plc Overseas Letter Post Amendment (No 6) Scheme 2003 (London Gazette, 11 April 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 7) Scheme 2003 (London Gazette, 2 May 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 8) Scheme 2003 (London Gazette, 3 October 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 9) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Overseas Letter Post Amendment (No 10) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Overseas Letter Post Amendment (No 11) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Overseas Letter Post Amendment (No 12) Scheme 2006 (London Gazette, 2 June 2006); the Royal Mail Group plc Overseas Letter Post Amendment [(No 13)] Scheme 2006 (London Gazette, 28 July 2006) (art 1 gives the citation '(No 12)', but this appears to be an error); the Royal Mail Group plc Overseas Letter Post Amendment (No 14) Scheme 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Overseas Letter Post Amendment (No 15) Scheme 2008 (London Gazette, 28

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Post Office Overseas Parcel Post Scheme 1982 replaced: see now the Post Office Overseas Parcel Post Scheme 2001 (London Gazette, 16 March 2001). The Post Office Overseas Parcel Post Scheme 2001 is renamed the Successor Postal Services Company Overseas Parcel Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Overseas Parcel Post Scheme 2001 is amended by the Consignia plc Overseas Parcel Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Overseas Parcel Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Overseas Parcel Post (Amendment No 3) Scheme 2002 (London Gazette, 21 December 2001); the Consignia plc Overseas Parcel Post (Amendment No 4) Scheme 2002 (London Gazette, 22 March 2002); the Royal Mail Group plc Overseas Parcel Post (Amendment No 5) Scheme 2003 (London Gazette, 14 March 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 6) Scheme 2003 (London Gazette, 21 March 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 7) Scheme 2003 (London Gazette, 19 December 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 8) Scheme 2004 (London Gazette, 10 September 2004); the Royal Mail Group plc Overseas Parcel Post (Amendment No 9) Scheme 2005 (London Gazette, 23 September 2005); the Royal Mail Group plc Overseas Parcel Post (Amendment No 10) Scheme 2006 (London Gazette, 18 August 2006); the Royal Mail Group Limited Overseas Parcel Post (Amendment No 11) Scheme 2007 (London Gazette, 13 July 2007); the Royal Mail Group Limited Overseas Parcel Post (Amendment No 12) Scheme 2008 (London Gazette, 4 April 2008); and the Royal Mail Group Limited Overseas Parcel Post (Amendment No 13) Scheme 2009 (London Gazette, 16 January 2009).

144 Compensation for insured letters

TEXT AND NOTES--Post Office Overseas Letter Post Scheme 1982 para 36 now Successor Postal Services Company Overseas Letter Post Scheme 2001 para 37 (substituted by the Consignia plc Overseas Letter Post Amendment (No 5) Scheme 2002 (London Gazette, 28 October 2002)) (see further PARA 121). See also the Successor Postal Services Company Overseas Letter Post Scheme 2001 paras 37A, 38 (compensation for airsure packets, airsure packs, international signed for packets and international signed for packs; compensation for certain other postal packets) (paras 37A, 38 amended by the Royal Mail Group Ltd Overseas Letter Post Amendment (No 15) Scheme 2008 (London Gazette, 28 March 2008)).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(5) THE OVERSEAS POST/(iv) Compensation Fee Parcel Service/145. Compensation fee parcel service.

(iv) Compensation Fee Parcel Service

145. Compensation fee parcel service.

Any parcel¹ may be sent by the compensation fee parcel service². In addition to the postage charged on a parcel which the sender wishes to be dealt with under the service, the minimum fee or, a higher fee if the sender so elects, will also be charged³. Certain conditions must be complied with in relation to a compensation fee parcel⁴.

In the case of a parcel which was redirected after delivery at the place to which it was addressed⁵, no liability is accepted for the loss of, or damage to, the parcel, or any of its contents, while in the post, unless the packet was so redirected by being posted anew and full postage was prepaid on such reposting together with a further compensation fee⁶.

The Post Office may, if it thinks fit, refuse to accept payment of a compensation fee on the posting of any parcel⁷. There are certain articles in respect of which no liability is accepted for loss or damage, and in respect of which no compensation may be paid⁸.

1 For the meaning of 'parcel' see PARA 121 note 4 ante.

2 Post Office Overseas Parcel Post Scheme 1982 para 26(1). As to the scheme see PARA 121 ante; and as to schemes generally see PARA 83 ante. The service may be advertised under the name 'Enhanced Compensation Fee Service': para 26(1). In practice, this service does not currently operate.

3 Ibid para 26(2), Sch 3 Pt I. The maximum amount of compensation payable is dependant upon the fee paid by the sender: see PARA 26(5), Sch 3 Pt I. As to the application of the compensation fee scheme to packets to and from the Isle of Man see PARA 34.

4 See ibid para 26(3), Sch 3 Pt II.

5 If redirected under ibid para 25: see PARA 137 ante.

6 Ibid para 26(6).

7 Ibid para 26(7).

8 See ibid para 26(4), Sch 3 Pt III.

UPDATE

121-147 The Overseas Post

Post Office Overseas Letter Post Scheme 1982 replaced by the Post Office Overseas Letter Post Scheme 2001 (London Gazette, 16 March 2001). Post Office Overseas Letter Post Scheme 2001 renamed the Successor Postal Services Company Overseas Letter Post Scheme 2001: SI 2001/1148. Successor Postal Services Company Overseas Letter Post Scheme 2001 amended by the Consignia plc Overseas Letter Post Amendment (No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Overseas Letter Post Amendment (No 2) Scheme 2001 (London Gazette, 17 August 2001); the Consignia plc Overseas Letter Post Amendment (No 3) Scheme 2001 (London Gazette, 14 December 2001); the Consignia plc Overseas Letter Post Amendment (No 4) Scheme 2002 (London Gazette, 28 June 2002); the Consignia plc Overseas Letter Post Amendment (No 5) Scheme 2002 (London Gazette, 28 October 2002); the Royal Mail Group plc Overseas Letter Post Amendment (No 6) Scheme 2003 (London Gazette, 11 April 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 7) Scheme 2003 (London Gazette, 2 May 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 8) Scheme 2003 (London Gazette, 3 October 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 9) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Overseas Letter Post Amendment (No 10) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Overseas Letter Post Amendment (No 11) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Overseas Letter Post Amendment (No 12) Scheme 2006 (London Gazette, 2 June 2006); the Royal Mail Group plc Overseas Letter Post Amendment [(No 13)] Scheme 2006 (London Gazette, 28 July 2006) (art 1 gives the citation '(No 12)', but this appears to be an error); the Royal Mail Group plc Overseas Letter Post Amendment (No 14) Scheme 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Overseas Letter Post Amendment (No 15) Scheme 2008 (London Gazette, 28

March 2008); and the Royal Mail Group Ltd Overseas Letter Post Amendment (No 16) Scheme 2009 (London Gazette, 27 March 2009).

Post Office Overseas Parcel Post Scheme 1982 replaced: see now the Post Office Overseas Parcel Post Scheme 2001 (London Gazette, 16 March 2001). The Post Office Overseas Parcel Post Scheme 2001 is renamed the Successor Postal Services Company Overseas Parcel Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Overseas Parcel Post Scheme 2001 is amended by the Consignia plc Overseas Parcel Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Overseas Parcel Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Overseas Parcel Post (Amendment No 3) Scheme 2002 (London Gazette, 21 December 2001); the Consignia plc Overseas Parcel Post (Amendment No 4) Scheme 2002 (London Gazette, 22 March 2002); the Royal Mail Group plc Overseas Parcel Post (Amendment No 5) Scheme 2003 (London Gazette, 14 March 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 6) Scheme 2003 (London Gazette, 21 March 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 7) Scheme 2003 (London Gazette, 19 December 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 8) Scheme 2004 (London Gazette, 10 September 2004); the Royal Mail Group plc Overseas Parcel Post (Amendment No 9) Scheme 2005 (London Gazette, 23 September 2005); the Royal Mail Group plc Overseas Parcel Post (Amendment No 10) Scheme 2006 (London Gazette, 18 August 2006); the Royal Mail Group Limited Overseas Parcel Post (Amendment No 11) Scheme 2007 (London Gazette, 13 July 2007); the Royal Mail Group Limited Overseas Parcel Post (Amendment No 12) Scheme 2008 (London Gazette, 4 April 2008); and the Royal Mail Group Limited Overseas Parcel Post (Amendment No 13) Scheme 2009 (London Gazette, 16 January 2009).

145 Compensation fee parcel service

TEXT AND NOTES--Post Office Overseas Parcel Post Scheme 1982 now the Successor Postal Services Company Overseas Parcel Post Scheme 2001. The paragraph and schedule numbers remain the same.

NOTE 3--Successor Postal Services Company Overseas Parcel Post Scheme 2001 Sch 3 Pt I substituted: Royal Mail Group Limited Overseas Parcel Post (Amendment No 13) Scheme 2009 (London Gazette, 16 January 2009).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(5) THE OVERSEAS POST/(v) The Complaints Panel/146. Complaints.

(v) The Complaints Panel

146. Complaints.

The Post Office may make arrangements by which the sender or addressee of a postal packet¹ who has applied to the Post Office for compensation in respect of any article of pecuniary value enclosed in or forming part of the packet which he claims was lost or damaged in the post and who is dissatisfied with the way in which his application has been dealt with by the Post Office, may submit a complaint to a complaints panel² so that a member of the panel may advise the Post Office on the merits of the complaint and submit to it by way of advice a recommendation either that a sum of money be paid to the claimant by way of compensation for such loss or

damage, or that compensation be refused³. The complainant is required to submit written details of his complaint and supporting evidence⁴. The Post Office must consider the recommendation before reaching its final decision whether compensation should be paid, and, if so, as to its amount, such decision being final and conclusive except where the recommendation relates to a claim for loss of or damage to a registered inland packet⁵.

1 For the meaning of 'postal packet', see PARA 121 note 3 ante.

2 The members of the panel are not members, servants or agents of the Post Office: Post Office Overseas Letter Post Scheme 1989 para 49(1). As to the scheme see PARA 121 ante; as to schemes generally see PARA 83 ante. In practice, the complaints panel does not currently operate.

3 Ibid para 49(1). The Post Office has made arrangements for such complaints to be submitted to one of a panel of members of the Institute of Arbitrators through the Secretary of the Institute. No recommendation may be made with respect to a postal packet which was posted pursuant to a contract with the Post Office: para 49(2)(b).

4 The panel's secretariat requires every complainant to furnish, in such form as it thinks fit, a full statement of the facts and grounds of the complaint and the amount of compensation sought, and to submit all relevant evidence in the form of written statements, producing, where relevant, the certificate of posting, a declaration by the addressee of non-delivery, or the cover of the packet, and also any damaged article for which compensation is sought with its packing material and any container: ibid para 49(3)(a), (c). A fee is payable, the amount depending on the amount of compensation sought, but is refundable if compensation is recommended or otherwise on the recommendation of the panel member: see PARA 49(3)(b). Where compensation was offered by the Post Office before the submission of the complaint, the fee is not refundable, except on the express recommendation of the panel member, unless compensation is recommended of an amount exceeding any sum which the Post Office had informed the complainant before the submission that it was prepared to pay ex gratia in respect of the packet: para 49(3)(b).

5 Ibid para 49(6). A copy of the recommendation must be sent by post to the applicant: para 49(4).

UPDATE

121-147 The Overseas Post

Post Office Overseas Letter Post Scheme 1982 replaced by the Post Office Overseas Letter Post Scheme 2001 (London Gazette, 16 March 2001). Post Office Overseas Letter Post Scheme 2001 renamed the Successor Postal Services Company Overseas Letter Post Scheme 2001: SI 2001/1148. Successor Postal Services Company Overseas Letter Post Scheme 2001 amended by the Consignia plc Overseas Letter Post Amendment (No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Overseas Letter Post Amendment (No 2) Scheme 2001 (London Gazette, 17 August 2001); the Consignia plc Overseas Letter Post Amendment (No 3) Scheme 2001 (London Gazette, 14 December 2001); the Consignia plc Overseas Letter Post Amendment (No 4) Scheme 2002 (London Gazette, 28 June 2002); the Consignia plc Overseas Letter Post Amendment (No 5) Scheme 2002 (London Gazette, 28 October 2002); the Royal Mail Group plc Overseas Letter Post Amendment (No 6) Scheme 2003 (London Gazette, 11 April 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 7) Scheme 2003 (London Gazette, 2 May 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 8) Scheme 2003 (London Gazette, 3 October 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 9) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Overseas Letter Post Amendment (No 10) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Overseas Letter Post Amendment (No 11) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Overseas Letter Post Amendment (No 12) Scheme 2006 (London Gazette, 2 June 2006); the Royal Mail Group plc Overseas Letter Post Amendment [(No 13)] Scheme 2006 (London Gazette, 28 July 2006) (art 1 gives the citation '(No 12)', but this appears to be an error); the Royal Mail Group plc Overseas Letter Post

Amendment (No 14) Scheme 2007 (London Gazette, 16 March 2007); the Royal Mail Group Ltd Overseas Letter Post Amendment (No 15) Scheme 2008 (London Gazette, 28 March 2008); and the Royal Mail Group Ltd Overseas Letter Post Amendment (No 16) Scheme 2009 (London Gazette, 27 March 2009).

Post Office Overseas Parcel Post Scheme 1982 replaced: see now the Post Office Overseas Parcel Post Scheme 2001 (London Gazette, 16 March 2001). The Post Office Overseas Parcel Post Scheme 2001 is renamed the Successor Postal Services Company Overseas Parcel Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Overseas Parcel Post Scheme 2001 is amended by the Consignia plc Overseas Parcel Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Overseas Parcel Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Overseas Parcel Post (Amendment No 3) Scheme 2002 (London Gazette, 21 December 2001); the Consignia plc Overseas Parcel Post (Amendment No 4) Scheme 2002 (London Gazette, 22 March 2002); the Royal Mail Group plc Overseas Parcel Post (Amendment No 5) Scheme 2003 (London Gazette, 14 March 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 6) Scheme 2003 (London Gazette, 21 March 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 7) Scheme 2003 (London Gazette, 19 December 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 8) Scheme 2004 (London Gazette, 10 September 2004); the Royal Mail Group plc Overseas Parcel Post (Amendment No 9) Scheme 2005 (London Gazette, 23 September 2005); the Royal Mail Group plc Overseas Parcel Post (Amendment No 10) Scheme 2006 (London Gazette, 18 August 2006); the Royal Mail Group Limited Overseas Parcel Post (Amendment No 11) Scheme 2007 (London Gazette, 13 July 2007); the Royal Mail Group Limited Overseas Parcel Post (Amendment No 12) Scheme 2008 (London Gazette, 4 April 2008); and the Royal Mail Group Limited Overseas Parcel Post (Amendment No 13) Scheme 2009 (London Gazette, 16 January 2009).

146 Complaints

TEXT AND NOTES--Post Office Overseas Letter Post Scheme para 49 deleted: Post Office Overseas Letter Post Amendment (No 19) Scheme 1999.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(5) THE OVERSEAS POST/(v) The Complaints Panel/147. Recommendation for payment of compensation.

147. Recommendation for payment of compensation.

Before recommending payment of any sum by way of compensation in respect of a postal packet¹, or any of its contents, the member of the complaints panel must satisfy himself that:

- (1) the complainant was the sender or addressee of the packet, which was of the description claimed and was properly addressed and posted as claimed²;
- (2) the packet was not posted pursuant to any contract with the Post Office³;
- (3) the proper postage and any other charge or fee was prepaid, or accounted for under credit facilities, and all prohibitions, requirements and conditions applicable in relation to the packet were observed and complied with⁴;
- (4) every article for which compensation is sought was enclosed in or formed part of the packet and was lost or damaged in the post⁵;

(5) provision is made by the scheme⁶ by which the Post Office may pay such compensation as it thinks just for such loss or damage to the packet or its contents⁷;

(6) the amount of compensation recommended would not exceed the amount which might be paid by the Post Office under the scheme⁸; and

(7) application for compensation was made to the Post Office by the complainant within the appropriate time-limit under the scheme and no compensation was paid to any other person before the Post Office received the application⁹.

1 For the meaning of 'postal packet', see PARA 121 note 3 ante.

2 Post Office Overseas Letter Post Scheme 1982 para 49(2)(a). As to the scheme see PARA 121 ante; and as to schemes generally see PARA 83 ante.

3 Ibid para 49(2)(b).

4 Ibid para 49(2)(c).

5 Ibid para 49(2)(d).

6 Ie the Post Office Overseas Letter Post Scheme 1982.

7 Ibid para 49(2)(e).

8 Ibid para 49(2)(f).

9 Ibid para 49(2)(g). In practice, the complaints panel does not currently operate.

UPDATE

121-147 The Overseas Post

Post Office Overseas Letter Post Scheme 1982 replaced by the Post Office Overseas Letter Post Scheme 2001 (London Gazette, 16 March 2001). Post Office Overseas Letter Post Scheme 2001 renamed the Successor Postal Services Company Overseas Letter Post Scheme 2001: SI 2001/1148. Successor Postal Services Company Overseas Letter Post Scheme 2001 amended by the Consignia plc Overseas Letter Post Amendment (No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Overseas Letter Post Amendment (No 2) Scheme 2001 (London Gazette, 17 August 2001); the Consignia plc Overseas Letter Post Amendment (No 3) Scheme 2001 (London Gazette, 14 December 2001); the Consignia plc Overseas Letter Post Amendment (No 4) Scheme 2002 (London Gazette, 28 June 2002); the Consignia plc Overseas Letter Post Amendment (No 5) Scheme 2002 (London Gazette, 28 October 2002); the Royal Mail Group plc Overseas Letter Post Amendment (No 6) Scheme 2003 (London Gazette, 11 April 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 7) Scheme 2003 (London Gazette, 2 May 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 8) Scheme 2003 (London Gazette, 3 October 2003); the Royal Mail Group plc Overseas Letter Post Amendment (No 9) Scheme 2004 (London Gazette, 26 March 2004); the Royal Mail Group plc Overseas Letter Post Amendment (No 10) Scheme 2005 (London Gazette, 5 April 2005); the Royal Mail Group plc Overseas Letter Post Amendment (No 11) Scheme 2006 (London Gazette, 24 March 2006); the Royal Mail Group plc Overseas Letter Post Amendment (No 12) Scheme 2006 (London Gazette, 2 June 2006); the Royal Mail Group plc Overseas Letter Post Amendment [(No 13)] Scheme 2006 (London Gazette, 28 July 2006) (art 1 gives the citation '(No 12)', but this appears to be an error); the Royal Mail Group plc Overseas Letter Post Amendment (No 14) Scheme 2007 (London Gazette, 16 March 2007); the Royal Mail

Group Ltd Overseas Letter Post Amendment (No 15) Scheme 2008 (London Gazette, 28 March 2008); and the Royal Mail Group Ltd Overseas Letter Post Amendment (No 16) Scheme 2009 (London Gazette, 27 March 2009).

Post Office Overseas Parcel Post Scheme 1982 replaced: see now the Post Office Overseas Parcel Post Scheme 2001 (London Gazette, 16 March 2001). The Post Office Overseas Parcel Post Scheme 2001 is renamed the Successor Postal Services Company Overseas Parcel Post Scheme 2001: SI 2001/1148. The Successor Postal Services Company Overseas Parcel Post Scheme 2001 is amended by the Consignia plc Overseas Parcel Post (Amendment No 1) Scheme 2001 (London Gazette, 29 June 2001); the Consignia plc Overseas Parcel Post (Amendment No 2) Scheme 2001 (London Gazette, 6 July 2001); the Consignia plc Overseas Parcel Post (Amendment No 3) Scheme 2002 (London Gazette, 21 December 2001); the Consignia plc Overseas Parcel Post (Amendment No 4) Scheme 2002 (London Gazette, 22 March 2002); the Royal Mail Group plc Overseas Parcel Post (Amendment No 5) Scheme 2003 (London Gazette, 14 March 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 6) Scheme 2003 (London Gazette, 21 March 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 7) Scheme 2003 (London Gazette, 19 December 2003); the Royal Mail Group plc Overseas Parcel Post (Amendment No 8) Scheme 2004 (London Gazette, 10 September 2004); the Royal Mail Group plc Overseas Parcel Post (Amendment No 9) Scheme 2005 (London Gazette, 23 September 2005); the Royal Mail Group plc Overseas Parcel Post (Amendment No 10) Scheme 2006 (London Gazette, 18 August 2006); the Royal Mail Group Limited Overseas Parcel Post (Amendment No 11) Scheme 2007 (London Gazette, 13 July 2007); the Royal Mail Group Limited Overseas Parcel Post (Amendment No 12) Scheme 2008 (London Gazette, 4 April 2008); and the Royal Mail Group Limited Overseas Parcel Post (Amendment No 13) Scheme 2009 (London Gazette, 16 January 2009).

147 Recommendation for payment of compensation

TEXT AND NOTES--Post Office Overseas Letter Post Scheme para 49 deleted: Post Office Overseas Letter Post Amendment (No 19) Scheme 1999.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(6) POSTAL ORDERS AND MONEY ORDERS/148. Application of the postal order scheme.

(6) POSTAL ORDERS AND MONEY ORDERS

148. Application of the postal order scheme.

The scheme¹ made by the Post Office² with respect to postal orders³ applies:

- (1) to the issue, payment and treatment of postal orders within the British Islands by the Post Office⁴;
- (2) to the issue and payment of such orders within the British Islands with the authority of the Post Office and on its behalf by persons holding office under the Crown⁵;
- (3) to the issue and payment of postal orders under the authority of the Post Office outside the British Islands in a Royal Naval ship (on the high seas or in any port or place) or at a British Forces' post office⁶; and

(4) to the payment in the British Islands of Irish postal orders⁷ by or under the authority of the Post Office⁸.

It also applies to postal orders issued at a post office under the charge of the postal administration of a country outside the British Islands pursuant to an arrangement⁹ with that postal administration or with the government of that country¹⁰.

1 ie the Post Office (Postal Order) Scheme 1971.

2 For the power to make such schemes see the Post Office Act 1969 s 28 (as amended); and PARA 83 ante. See also s 70(7); and PARA 150 post.

3 'Postal order' means a postal order issued as a British postal order by the Post Office or, with its authority and on its behalf, by a person holding office under the Crown, or issued by the postal administration of a country outside the British Islands in pursuance of such an arrangement as is mentioned in note 9 infra: Post Office (Postal Order) Scheme 1971 para 3(1). 'The British Islands' means the United Kingdom: para 3(1). For the meaning of 'United Kingdom' see PARA 18 note 1 ante.

4 ie except as mentioned in the head (3) in the text, and in the text to note 10 infra, the scheme applies within the British Islands only: ibid para 14(1).

5 See ibid para 13.

6 Ibid para 14(2).

7 'Irish postal order' means an order similar to a British postal order issued by the postal administration of the Republic of Ireland: ibid para 3(1).

8 Ibid para 14(4).

9 ie such an arrangement as is mentioned in the Post Office Act 1953 s 24 (as amended), namely an arrangement made with the government or postal administration of any other country for the transmission of small sums through post offices (for the meaning of which see PARA 65 note 1 ante) under the charge of the Post Office and the postal administration of that country by means of orders for the payment of money: s 24 (amended by the Post Office Act 1969 s 76, Sch 4 para 2(10)). 'Any other country' includes the Channel Islands and the Isle of Man: Postal Services (Channel Islands Consequential Provisions) Order 1969, SI 1969/1368, art 11; Postal Services (Isle of Man Consequential Provisions) Order 1973, SI 1973/960, art 13. Both orders were made under the Post Office Act 1969 s 87(1) (as amended): see PARA 8 note 3 ante.

10 Post Office (Postal Order) Scheme 1971 para 14(3).

UPDATE

148 Application of the postal order scheme

TEXT AND NOTES--1971 Scheme now Consignia Holdings Plc (Postal Order) Scheme 2001. The paragraph numbers remain the same unless otherwise stated.

See also the Royal Mail Holdings Plc (Postal Order) Scheme 2006 (London Gazette, 31 March 2006).

NOTE 3--1971 Scheme para 3(1) now Consignia Holdings Plc (Postal Order) Scheme 2001 para 2(1).

NOTE 8--1971 Scheme para 14(4) not reproduced by Consignia Holdings Plc (Postal Order) Scheme 2001.

NOTE 9--1953 Act s 24 now Postal Services Act 2000 s 114.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(6) POSTAL ORDERS AND MONEY ORDERS/149. Issue of postal orders.

149. Issue of postal orders.

Postal orders¹ are issued in such denominations and on payment of such fees as are determined by the scheme made by the Post Office². The name of the payee³ and the office at which an order is payable may be inserted at the request of the applicant for the order before it is issued, or it may be issued in blank, in which case the applicant must insert the payee's name (and may also insert the name of the office of payment) before he parts with the order⁴. A postal order may nevertheless be paid if it is presented for payment with the space for the payee's name left blank⁵. No alteration may be made in the name of the payee or of the office of payment as originally inserted, except by the direction of the Post Office⁶. A postal order may be crossed generally by the addition on the face of it of two parallel transverse lines, with or without the words 'and Company' (or any abbreviation of those words) between them⁷, in which case it may be paid only to a banker⁸; or it may be crossed specially to a banker by the addition of the banker's name⁹, in which case it may be paid only to that banker, or to his agent for collection¹⁰.

1 For the meaning of 'postal order' see PARA 148 note 3 ante.

2 Ie the Post Office (Postal Order) Scheme 1971: see PARA 148 note 1 ante. For the denominations in which postal orders are issued see PARA 4 (as amended). As to the postage stamps which may be affixed to orders issued by a postal administration of a country outside the British Islands (see PARA 148 text to note 3 ante) see the Post Office (Postal Order) Scheme 1971 para 14(3). As to stamps affixed to Irish postal orders (for the meaning of which see PARA 148 note 7 ante) see PARA 14(4) proviso. For the fees payable on the issue of a postal order see PARA 5 Schedule (as amended). The amount for which an order is issued and the fee payable must be prepaid: para 6. The Post Office may remit any fee in whole or in part in such cases or classes of case as it may determine: para 12.

3 'Payee' means the person entitled to receive the amount of a postal order or of an Irish postal order: ibid para 3(1).

4 See ibid para 7(1), (2).

5 Ibid para 7(3).

6 Ibid para 7(4).

7 Ibid para 8(1).

8 Ibid para 8(4).

9 Ibid para 8(1).

10 Ibid para 8(5).

UPDATE

149 Issue of postal orders

TEXT AND NOTES--1971 Scheme now Consignia Holdings Plc (Postal Order) Scheme 2001.
The paragraph numbers remains the same unless otherwise stated.

See also the Royal Mail Holdings Plc (Postal Order) Scheme 2006.

NOTE 2--1971 Scheme paras 4, 14(3), (4) now Consignia Holdings Plc (Postal Order) Scheme 2001 para 3. 1971 Scheme para 5 Schedule now Consignia Holdings Plc (Postal Order) Scheme 2001 para 5.

NOTE 3--1971 Scheme para 3(1) now Consignia Holdings Plc (Postal Order) Scheme 2001 para 2(1).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(6) POSTAL ORDERS AND MONEY ORDERS/150. Payment of postal orders.

150. Payment of postal orders.

Where the payee's name¹ has been inserted in an uncrossed postal order, the order must not be paid unless the receipt is signed, or purports to be signed, by him or on his behalf²; and where the receipt has been signed, the paying officer may, if he thinks fit, require the person presenting the order for payment to sign his name on it³. If the paying officer thinks fit, a person presenting for payment an order on which the payee's name has not been inserted may be required to sign the receipt before payment is made⁴. In any case, if he thinks fit, the paying officer may take reasonable steps to satisfy himself as to the signature on the receipt and, if the receipt is not signed in his presence, that the person presenting the order is the person entitled to receive payment or his authorised agent⁵. No proceedings lie against the Post Office for loss or damage due to refusal by it to pay, or delay in paying, a money or postal order issued by it or by a foreign administration⁶. A scheme⁷ may provide that a money or postal order so issued will not, after the expiration of a specified period, be paid by the Post Office except on satisfaction of specified conditions⁸.

A crossed postal order⁹ presented for payment by a banker may be paid at any post office in the British Islands¹⁰ even if made payable at a particular post office¹¹. Except where the banker to whom the order is crossed has again crossed it specially to another banker as his agent for collection¹², payment of an order crossed specially to more than one banker must be refused¹³. A crossed order presented for payment by the collecting banker may be paid notwithstanding that the receipt on it is not signed if it bears either the name of that banker written or stamped on its face, or a code or device of that banker approved by the Post Office placed in a position so approved¹⁴. Unless there is an express arrangement to the contrary, a postal order presented for payment by a banker must not be paid until it has been examined by such officer¹⁵ as the Post Office may direct¹⁶. Any person acting as a banker in the British postal area¹⁷ who, in collecting in that capacity for any principal, has received payment or been allowed by the Post Office in account in respect of any postal order, or of any document purporting to be a postal order, incurs no liability to anyone except that principal by reason of having received the payment or allowance or having held or presented the order or document for payment; but the principal for whom the order or document has been so held or presented is not relieved of any liability in respect of his possession of the order or document or of the proceeds of it¹⁸.

1 For the meaning of 'payee' see PARA 149 note 3 ante.

2 Post Office (Postal Order) Scheme 1971 para 9(1).

3 Ibid para 9(4).

4 Ibid para 9(2).

5 Ibid para 9(3). The paying officer may refuse or delay payment if it appears to him necessary to do so for any reason whatever: see PARA 9(5).

6 Post Office Act 1969 s 70(6). For the meaning of 'foreign administration' see PARA 90 note 1 ante. For the meaning of 'money order' see PARA 151 note 1 post.

7 Ie a scheme made under ibid s 28 (as amended) (see PARA 83 ante): s 70(7).

8 Ibid s 70(7). A postal order presented for payment after the expiration of a period of six months after the last day of the month in which it was issued is not to be paid until it has been referred to a post office for inquiry, and it may be retained until the Post Office is satisfied that it ought to be paid: Post Office (Postal Order) Scheme 1971 para 11. This provision does not apply to Irish postal orders (for the meaning of which see PARA 148 note 7 ante), and the period within which such orders may be paid and the conditions on which they may be paid after the expiration of any period depend upon the relevant enactments and regulations in force in the Republic of Ireland: para 14(4)(c).

9 For the meaning of 'postal order' see PARA 148 note 3 ante. As to crossed postal orders see PARA 149 ante.

10 For the meaning of 'the British Islands' see PARA 148 note 3 ante.

11 Post Office (Postal Order) Scheme 1971 para 10(2). As to the scheme see PARA 148 note 1 ante.

12 See ibid para 8(3).

13 Ibid para 8(6).

14 Ibid para 10(1)(a). Where an order is crossed specially to a banker, it must bear the name, code or device of that banker (para 10(1)(b)) or, if he has crossed it specially to an agent for collection, the name, code or device of that agent (para 10(1)(c)).

15 'Officer' means a person engaged in the business of the Post Office: ibid para 3(1).

16 Ibid para 10(3).

17 For the meaning of 'British postal area' see PARA 157 note 8 ante.

18 Post Office Act 1953 s 21(3) (amended by the Post Office Act 1969 s 76, Sch 4 para 2(8)).

UPDATE

150 Payment of postal orders

TEXT AND NOTES--1971 Scheme now Consignia Holdings Plc (Postal Order) Scheme 2001. The paragraph numbers remain the same unless otherwise stated.

See also the Royal Mail Holdings Plc (Postal Order) Scheme 2006.

NOTE 6--1969 Act s 70(6) now Postal Services Act 2000 s 111(1).

NOTES 7, 8--Provisions not reproduced by Postal Services Act 2000 or Consignia Holdings Plc (Postal Order) Scheme 2001.

NOTE 15--1971 Scheme para 3(1) now Consignia Holdings Plc (Postal Order) Scheme 2001 para 2(1).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(6) POSTAL ORDERS AND MONEY ORDERS/151. Protection of the Post Office when paying orders.

151. Protection of the Post Office when paying orders.

In the following cases the Post Office has statutory protection when paying a money order or a postal order¹, or where such an order which it has issued is paid outside the United Kingdom:

- (1) where, in the British Islands², a money or postal order issued by the Post Office is presented for payment by a banker to whom it has been delivered for collection, payment of it to him discharges it³;
- (2) where, in the British Islands:

- 11. (a) an uncrossed money or postal order issued by the Post Office, being an order expressed to be payable to a person specified or described in it and being, or purporting to be, signed by him or on his behalf⁴; or
- 12. (b) an uncrossed postal order so issued, being an order not expressed to be payable to such a person⁵,

is presented for payment otherwise than by a banker to whom it has been delivered for collection, payment of the order to the person by whom it is presented discharges it⁶;

- (3) a money or postal order issued by the Post Office is discharged by its payment outside the British Islands in accordance with arrangements in that behalf made by the Post Office⁷;
- (4) where a money or postal order issued by a foreign administration⁸ is paid by the Post Office to a banker to whom it has been delivered for collection on behalf of a person other than the true owner of the order, the Post Office is not liable to the true owner of the order by reason of having paid it to that banker⁹; and
- (5) where:

- 13. (a) an uncrossed money or postal order issued by a foreign administration, being an order expressed to be payable to a person specified or described in it and purporting to be signed by him or on his behalf¹⁰, or
- 14. (b) an uncrossed postal order so issued, being an order not expressed to be payable to such a person¹¹,

is presented to the Post Office for payment otherwise than by a banker to whom it has been delivered for collection or the true owner of the order, payment of the order by the Post Office to the person presenting it does not render the Post Office liable to the true owner of the order¹².

1 'Money order' and 'postal order' are not defined in the Post Office Act 1969, nor were they defined in the Post Office Act 1953, although they were referred to in ss 20(1), 21(1) (both repealed). Such orders are not negotiable instruments: *Fine Art Society Ltd v Union Bank of London Ltd* (1886) 17 QBD 705, CA. The Bills of Exchange Act 1882 ss 76-81 relating to crossed cheques (see FINANCIAL SERVICES AND INSTITUTIONS vol 49 (2008) PARA 880), and the Cheques Act 1957 s 4(1) (as substituted) do not apply to them. References in this paragraph, except in head (3) in the text, to a money order issued by the Post Office include references to an order (corresponding to such a money order) for the payment of money in the British Islands issued by it in pursuance of such an arrangement as is mentioned in the Post Office Act 1953 s 24 (as amended) (see PARA 148 ante): Post Office Act 1969 s 70(8). The Post Office ceased to issue money orders, except orders payable in certain countries abroad, on 1 June 1978. Money orders issued in some countries are still paid by the Post Office.

2 'The British Islands', in the provisions set out in heads (1)-(3) in the text, means the United Kingdom: ibid s 86(1) (definition amended by the Postal Services (Channel Islands Consequential Provisions) Order 1969, SI 1969/1368, art 7; Postal Services (Isle of Man Consequential Provisions) Order 1973, SI 1973/960, art 8). For the meaning of 'United Kingdom' see PARA 18 note 1 ante.

3 Post Office Act 1969 s 70(1).

4 See ibid s 70(2)(a). As to crossing postal orders see PARA 149 ante.

5 See ibid s 70(2)(b).

- 6 Ibid s 70(2).
- 7 Ibid s 70(3).
- 8 For the meaning of 'foreign administration' see PARA 90 note 1 ante.
- 9 Post Office Act 1969 s 70(4).
- 10 See *ibid* s 70(5)(a).
- 11 See *ibid* s 70(5)(b).
- 12 *Ibid* s 70(5).

UPDATE

151 Protection of the Post Office when paying orders

TEXT AND NOTES--1969 Act s 70 replaced by the Postal Services Act 2000 s 111.
References to Post Office are now to Consignia plc (see PARA 3): s 111.

Also, head (6) any person acting as a banker in the United Kingdom who, in collecting in that capacity for any principal, has received payment from Consignia plc in respect of any postal order, or any document purporting to be a postal order, incurs no liability to anyone except the principal by reason of having received the payment or having held or presented the order or document for payment (s 111(7)) but any principal for whom any such order or document has been so held or presented is not thereby relieved of any liability in respect of his possession of the order or document or of the proceeds of the order or document (s 111(8)).

NOTE 3--Now *ibid* s 111(2).

NOTES 4-6--1969 Act s 70(2) now 2000 Act s 111(3), (9)(a), (b).

NOTE 7--Now *ibid* s 111(4).

NOTE 9--Now *ibid* s 111(5).

NOTES 10-12--1969 Act s 70(5) now 2000 Act s 111(6), (9)(a), (b).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(6) POSTAL ORDERS AND MONEY ORDERS/152. Money orders wrongly paid to bankers.

152. Money orders wrongly paid to bankers.

Where, after payment by the Post Office to a banker to whom it has been delivered for collection of a money order issued by the Post Office¹ or a foreign administration², it is found that the order ought not to have been paid, the sum paid may be deducted from sums subsequently falling to be paid by the Post Office to that banker by way of payment of money orders so issued that have been delivered to him for collection³.

1 The Post Office no longer issues money orders: see PARA 151 note 1 ante. References to a money order issued by the Post Office include references to an order (corresponding to such a money order) for the payment of money in the British Islands issued by the Post Office in pursuance of such an arrangement as is mentioned in

the Post Office Act 1953 s 24 (as amended) (see PARA 148 ante): Post Office Act 1969 s 71(2). For the meaning of 'the British Islands' see PARA 18 note 1 ante.

2 For the meaning of 'foreign administration' see PARA 90 note 1 ante. Money orders issued in some countries are still paid by the Post Office: see PARA 151 note 1 ante.

3 Post Office Act 1969 s 71(1).

UPDATE

152 Money orders wrongly paid to bankers

TEXT AND NOTES--1969 Act s 71(1) now Postal Services Act 2000 s 113(1), (2) which refers to Consignia plc instead of the Post Office. As to Consignia plc see PARA 3.

References to money orders include references to special money orders, that is, orders for the payment of money in the United Kingdom which are issued by Consignia plc in pursuance of an arrangement made with a government or postal administration of any other country or territory for the transmission, by means of orders for the payment of money, of sums of money through post offices under the charge of Consignia plc and the postal administration of the other country or territory: s 114(1), (2).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(7) CONVEYANCE OF MAILED/153. Conveyance of mail bags by public service vehicles.

(7) CONVEYANCE OF MAILED

153. Conveyance of mail bags by public service vehicles.

If required by the Post Office by written notice¹, the British Railways Board² and the London Transport Board³, in respect of any service of public service vehicles provided by them⁴, and local authorities in Great Britain authorised to run public service vehicles under certain provisions⁵, must perform such reasonable services in regard to the conveyance of mail bags⁶ as the Post Office may direct⁷. In default of agreement, the remuneration for services performed under these provisions is determined by the Transport Tribunal⁸.

The Post Office is not authorised to require mail bags to be conveyed in a public service vehicle in Great Britain which is conveying or is intended to convey passengers only and not goods or parcels⁹ if the mail bags are either unaccompanied by a person engaged in the business of the Post Office travelling as a passenger¹⁰, or are in excess of the maximum weight fixed for the luggage of ordinary passengers¹¹. Where any such vehicle is conveying or intended to convey both parcels and passengers but not goods, the Post Office cannot require mail bags to be carried in excess of the maximum weight for ordinary parcels or for the luggage of ordinary passengers, whichever is the greater¹².

Mail bags carried in Great Britain in a public service vehicle must be carried so as not to inconvenience the passengers, but the custody of the bags by any person engaged in the business of the Post Office accompanying them must not be interfered with¹³.

1 For the meaning of 'written' see PARA 78 note 2 ante.

2 As to the British Railways Board see RAILWAYS, INLAND WATERWAYS AND CROSS-COUNTRY PIPELINES vol 39(1A) (Reissue) PARAS 4, 44.

3 As to the London Transport Board see LONDON GOVERNMENT; RAILWAYS, INLAND WATERWAYS AND CROSS-COUNTRY PIPELINES vol 39(1A) (Reissue) PARA 4.

4 Post Office Act 1953 s 44(1)(b) (amended by the Transport Act 1962 s 32(1), Sch 2 Pt 1; and construed in accordance with the Post Office Act 1969 s 20(2)(a)). For the meaning of 'public service vehicle' see the Public Passenger Vehicles Act 1981 s 1 (as amended) (definition applied by Post Office Act 1953 s 87(1B) (as added)): see ROAD TRAFFIC vol 40(3) (2007 Reissue) PARA 1136.

5 Ie under the Road Traffic Act 1930 Pt V (ss 101-110) (as amended) (see ROAD TRAFFIC vol 40(3) (2007 Reissue) PARA 1260), in respect of services of such vehicles on any route authorised under Pt V (as amended): Post Office Act 1953 s 44(1)(c) (construed in accordance with the Post Office Act 1969 s 20(2)(a)).

6 'Mail bag' includes any form of container or covering in which postal packets in the course of transmission by post are conveyed, whether or not it contains any such packets: Post Office Act 1953 s 87(1) (amended by the Post Office Act 1969 s 141, Sch 11 Pt II).

7 Post Office Act 1953 s 44(1) (as amended: see notes 4-5 supra).

8 Ibid s 44(2) (construed in accordance with the Post Office Act 1969 s 20(2)(a)). The operation of this provision is not affected by the Transport Charges etc (Miscellaneous Provisions) Act 1954: see s 14(7). As to the Transport Tribunal see ROAD TRAFFIC vol 40(1) (2007 Reissue) PARAS 253-258.

9 For the meaning of 'parcel' see PARA 88 note 2 ante.

10 Post Office Act 1953 s 45(1)(a) (amended by the Post Office Act 1969 s 137(1), (3), Sch 8 Pt I; and construed in accordance with the Post Office Act 1969 ss 20(2)(a), 76, 88, 139, Sch 4 para 2(1)).

11 Post Office Act 1953 s 45(1)(b) (amended by the Post Office Act 1969 Sch 8 Pt I; and construed in accordance with the Post Office Act 1969 s 20(2)(a)).

12 Post Office Act 1953 s 45(3) (amended by the Post Office Act 1969 Sch 8 Pt I; and construed in accordance with the Post Office Act 1969 s 20(2)(a)).

13 Post Office Act 1953 s 45(4) (amended by the Post Office Act 1969 Sch 8 Pt I; and construed in accordance with the Post Office Act 1969 ss 76, 88, 139, Sch 4 para 2(1)).

UPDATE

153-155 Conveyance of mail bags by public service vehicles ... Postal packets on board inward bound ships and aircraft

Post Office Act 1953 repealed: Postal Services Act 2000 Sch 9.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(7) CONVEYANCE OF MAIIS/154. Duty of ship's master to carry mail bags.

154. Duty of ship's master to carry mail bags.

Every master¹ of a ship outward bound must receive on board his ship every mail bag² tendered to him by a person engaged in the business of the Post Office for conveyance, and, having received it, he must deliver it, on arriving at the port or place of his destination, without delay³. If he fails to do so, he is liable on summary conviction to a fine not exceeding level 4 on the standard scale⁴.

There is no similar obligation on the commander⁵ of an outward bound aircraft, but Her Majesty may by Order in Council make provisions as to the conditions under which goods, including mails⁶, may be carried by air⁷.

1 'Master' includes every person (except a pilot) having command or charge of the ship, whether the ship is a ship of war or other ship; and 'ship' includes any boat or vessel whatsoever: Post Office Act 1953 s 87(1).

2 For the meaning of 'mail bag' see PARA 153 note 6 ante.

3 Post Office Act 1953 s 25(1) (construed in accordance with the Post Office Act 1969 ss 76, 88, 139, Sch 4 para 2(1)). As to the carriage of mails by ship generally see CARRIAGE AND CARRIERS.

4 Post Office Act 1953 s 25(2) (amended by the Criminal Justice Act 1982 ss 38, 46). As to the standard scale see PARA 37 note 3 ante. For a case of injunction restraining refusal to receive mail bags before the Post Office Act 1953 see *A-G v Cunard Steamship Co* (1886) 3 TLR 262, DC.

5 'Commander' includes the pilot or other person in charge of the aircraft: Post Office Act 1953 s 87(1).

6 'Goods' includes mails: Civil Aviation Act 1982 s 60(6).

7 Ibid s 60(3). See the Air Navigation (No 2) Order 1995, SI 1995/1970, art 102; AIR LAW vol 2 (2008) PARA 363; CARRIAGE AND CARRIERS VOL 7 (2008) PARA 128.

UPDATE

153-155 Conveyance of mail bags by public service vehicles ... Postal packets on board inward bound ships and aircraft

Post Office Act 1953 repealed: Postal Services Act 2000 Sch 9.

UPDATE

154 Duty of ship's master to carry mail bags

NOTE 7--SI 1995/1970 Order art 102 now Air Navigation Order 2005, SI 2005/1970, art 138 (amended by SI 2009/41). 1982 Act s 60(3) extended to the Isle of Man, subject to modifications: Civil Aviation (Isle of Man) Order 2007, SI 2007/614.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(7) CONVEYANCE OF MAILED/155. Postal packets on board inward bound ships and aircraft.

155. Postal packets on board inward bound ships and aircraft.

Every master of a ship¹, and every commander² of an inward bound aircraft must collect all postal packets³ on board his ship or aircraft provided that those postal packets are within the exclusive privilege⁴ of the Post Office and are not owners' letters⁵. He must enclose those packets in some bag or other covering sealed with his seal and addressed to the Post Office, and without delay deliver them to the proper person engaged in the business of the Post Office demanding them, or, if no such demand is made, then at the post office⁶ with which he can first communicate⁷. Failure to comply with these requirements renders him liable on summary conviction to a fine not exceeding level 4 on the standard scale⁸. Further, he must not break

bulk⁹ in any port or place before he has complied with these requirements, and if he does he is liable on summary conviction to a fine not exceeding level 2 on the standard scale¹⁰.

An officer of customs and excise¹¹ has power to refuse to permit bulk to be broken on board such a ship or aircraft until he is satisfied that any postal packets brought in that ship or aircraft and required to be so delivered have been so delivered¹²; and he has power to search any such ship or aircraft for postal packets within the exclusive privilege of the Post Office, and to seize them and forward them to the nearest post office¹³.

- 1 For the meaning of 'master' and 'ship' see PARA 154 note 1 ante.
- 2 For the meaning of 'commander' see PARA 154 note 5 ante.
- 3 For the meaning of 'postal packet' see PARA 88 note 2 ante.
- 4 As to the exclusive privilege of the Post Office see PARA 78 et seq ante.
- 5 Post Office Act 1953 s 26(1), (2) (construed in accordance with the Post Office Act 1969 ss 76, 88, 139, Sch 4 para 2(1)). As to owners' letters for the purpose of this provision see PARA 157 post.
- 6 For the meaning of 'post office' see PARA 65 note 1 ante.
- 7 Post Office Act 1953 s 26(2) (construed in accordance with the Post Office Act 1969 ss 76, 88, 139, Sch 4 para 2(1)).
- 8 Post Office Act 1953 s 26(3) (amended by the Criminal Justice Act 1982 ss 38, 46). As to the standard scale see PARA 37 note 3 ante.
- 9 To 'break bulk' means to begin unloading: Oxford English Dictionary.
- 10 Post Office Act 1953 s 26(4) (amended by the Criminal Justice Act 1982 s 42).
- 11 As to customs officers see CUSTOMS AND EXCISE vol 12(3) (2007 Reissue) PARA 901 et seq.
- 12 Post Office Act 1953 s 26(5).
- 13 Ibid s 26(6) (construed in accordance with the Post Office Act 1969 ss 76, 88, 139, Sch 4 para 2(1)).

UPDATE

153-155 Conveyance of mail bags by public service vehicles ... Postal packets on board inward bound ships and aircraft

Post Office Act 1953 repealed: Postal Services Act 2000 Sch 9.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(7) CONVEYANCE OF MAIls/156. Carriage of parcels by coasting ship.

156. Carriage of parcels by coasting ship.

The Post Office has power to require the carriage of parcels¹ by any person who owns or works any mechanically-propelled ship² carrying on regular communications between one United Kingdom port and another United Kingdom port or place in the United Kingdom or within the limited European trading area³, other than a ship owned or worked by railway undertakers⁴. The person owning or working the ship is entitled to be paid direct such remuneration as may be

determined by the Transport Tribunal⁵ in default of agreement between him and the Post Office⁶.

- 1 For the meaning of 'parcel' see PARA 88 note 2 ante.
- 2 For the meaning of 'ship' see PARA 154 note 1 ante.
- 3 'Limited European trading area' means the same as in regulations under the Merchant Shipping Act 1995 s 47: Post Office Act 1953 s 29(1) (amended by the Railways Act 1993 s 152(3), Sch 14; the Merchant Shipping Act 1995 s 314(2), Sch 13 para 28; and construed in accordance with the Post Office Act 1969 s 20(2)(a)). As to regulations under the Merchant Shipping Act 1995 s 47 see SHIPPING AND MARITIME LAW vol 93 (2008) PARA 490.
- 4 Post Office Act 1953 s 29(1) (as amended: see note 3 supra). For the meaning of 'United Kingdom' see PARA 18 note 1 ante.
- 5 As to the Transport Tribunal see ROAD TRAFFIC vol 40(1) (2007 Reissue) PARAS 253-258.
- 6 Post Office Act 1953 s 29(2) (construed in accordance with the Post Office Act 1969 s 20(2)(a)).

UPDATE

156 Carriage of parcels by coasting ship

TEXT AND NOTES--1953 Act s 29 replaced by the Postal Services Act 2000 s 94.

TEXT AND NOTE 1--For 'The Post Office' read 'A universal service provider, in connection with the provision of a universal postal service' and for 'parcels' read 'mail bags': ibid s 94(1). As to the provision of a universal postal service see PARA 24. For the meaning of 'mail bags' see PARA 82 NOTE 5.

TEXT AND NOTE 2--For 'mechanically propelled ship' read 'ship or aircraft': ibid s 94(1), (2).

TEXT AND NOTES 3, 4--For 'one United Kingdom port ... railway undertakers' read 'two places in the United Kingdom, one of which is not readily accessible by road': ibid s 94(3).

NOTE 6--1953 Act s 29(2) now Postal Services Act 2000 s 94(3) (amended by SI 2009/1885), which refers to a universal provider and to the First-tier Tribunal rather than the Transport Tribunal.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(7) CONVEYANCE OF MAIls/157. Owners' letters.

157. Owners' letters.

Certain privileges attach to letters addressed to the owner, charterer or consignee of a ship¹ or aircraft inward bound or to the owner, consignee or shipper of any goods carried in one, being letters (other than those excepted² from the exclusive privilege of the Post Office) which comply with certain conditions³. The conditions are that: (1) the addressee is described in the address or superscription on the letter as such owner, charterer, consignee or shipper⁴; and (2) in the case of a letter addressed to an owner, consignee or shipper of goods, that it appears by the ship's manifest, or by the manifest and declaration of the aircraft, that the addressee has goods on board the ship or aircraft⁵.

Any such letter required to be delivered to a person at the place of arrival of the ship or aircraft must be delivered by the master⁶ of the ship or the commander⁷ of the aircraft free of inland postage⁸, and the person to whom it is deliverable is entitled to delivery before the delivery of any other postal packets⁹ to the Post Office¹⁰. If the letter is required to be delivered at any other place in the British postal area¹¹ it must be delivered by post on payment of inland postage only¹².

- 1 For the meaning of 'ship' see PARA 154 note 1 ante.
- 2 As to the exceptions to the exclusive privilege of the Post Office see PARA 78 et seq ante.
- 3 Post Office Act 1953 s 27(1) (construed in accordance with the Post Office Act 1969 s 23(1) (repealed)).
- 4 Post Office Act 1953 s 27(1)(a) (construed in accordance with the Post Office Act 1969 s 23(1) (repealed)).
- 5 Post Office Act 1953 s 27(1)(b) (construed in accordance with the Post Office Act 1969 s 23(1) (repealed)).
- 6 For the meaning of 'master' see PARA 154 note 1 ante.
- 7 For the meaning of 'commander' see PARA 154 note 5 ante.
- 8 'Inland postage' means the postage chargeable on an inland postal packet, and 'inland' in relation to a postal packet or any description of one means posted within the British postal area and addressed to some place in that area: Post Office Act 1953 s 87(1). Unless the context otherwise requires, 'postage' means postage chargeable by the Post Office: Post Office Act 1969 ss 76, 88, 139, Sch 4 para 25. 'British postal area' means the United Kingdom: Post Office Act 1953 s 87(1) (amended by the Postal Services (Channel Islands Consequential Provisions) Order 1969, SI 1969/1368, art 14; and the Postal Services (Isle of Man Consequential Provisions) Order 1973, SI 1973/960, art 16). For the meaning of 'United Kingdom' see PARA 18 note 1 ante.
- 9 For the meaning of 'postal packet' see PARA 88 note 2 ante.
- 10 Post Office Act 1953 s 27(2).
- 11 For the meaning of 'British postal area' see note 8 supra.
- 12 Post Office Act 1953 s 27(3). For the meaning of 'inland postage' see note 8 supra.

UPDATE

157-160 Owner's letters ... Interference with mail bag by master or commander

Post Office Act 1953 repealed: Postal Services Act 2000 Sch 9. As to the general prohibition on interference with mail see now s 84, PARA 181.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(7) CONVEYANCE OF MAIls/158. Falsely superscribing owners' letters.

158. Falsely superscribing owners' letters.

Any person who, with intent to evade any postage¹, falsely supersedes a letter as being for the owner, charterer or consignee of the ship² or aircraft conveying the letter, or for the owner, consignee or shipper of goods shipped in it, is liable on summary conviction to a fine not exceeding level 1 on the standard scale³.

- 1 For the meaning of 'postage' see PARA 157 note 8 ante.
- 2 For the meaning of 'ship' see PARA 154 note 1 ante.
- 3 Post Office Act 1953 s 27(4) (amended by the Criminal Justice Act s 46). As to the standard scale see PARA 37 note 3 ante.

UPDATE

157-160 Owner's letters ... Interference with mail bag by master or commander

Post Office Act 1953 repealed: Postal Services Act 2000 Sch 9. As to the general prohibition on interference with mail see now s 84, PARA 181.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(7) CONVEYANCE OF MAILS/159. Possession and detention of postal packet subject to the Post Office monopoly.

159. Possession and detention of postal packet subject to the Post Office monopoly.

Any person who, being the master¹ or commander², one of the officers or crew, or a passenger, of a ship³ or aircraft inward bound, knowingly has in his baggage or in his possession or custody any postal packet⁴, except a postal packet not within the exclusive privilege of the Post Office⁵, after the master of the ship or commander of the aircraft has sent any part of the postal packets on board to the Post Office, is liable on summary conviction to a fine not exceeding level 1 on the standard scale⁶. If he detains any such packet after demand made either by an officer of customs and excise⁷ or by any person authorised by the Post Office to demand the postal packets on board the ship or aircraft, he is liable on summary conviction to a fine not exceeding level 1 on the standard scale⁸.

- 1 For the meaning of 'master' see PARA 154 note 1 ante.
- 2 For the meaning of 'commander' see PARA 154 note 5 ante.
- 3 For the meaning of 'ship' see PARA 154 note 1 ante.
- 4 For the meaning of 'postal packet' see PARA 88 note 2 ante.
- 5 As to the exclusive privilege of the Post Office see PARA 78 et seq ante.
- 6 Post Office Act 1953 s 28 (amended by the Criminal Justice Act 1982 s 46; and construed in accordance with the Post Office Act 1969 s 23(1) (repealed)). As to the standard scale see PARA 37 note 3 ante.
- 7 As to customs officers see CUSTOMS AND EXCISE vol 12(3) (2007 Reissue) PARA 901 et seq.
- 8 Post Office Act 1953 s 28 (amended by the Criminal Justice Act 1982 s 46; and construed in accordance with the Post Office Act 1969 s 23(1) (repealed)).

UPDATE

157-160 Owner's letters ... Interference with mail bag by master or commander

Post Office Act 1953 repealed: Postal Services Act 2000 Sch 9. As to the general prohibition on interference with mail see now s 84, PARA 181.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(7) CONVEYANCE OF MAILS/160. Interference with mail bag by master or commander.

160. Interference with mail bag by master or commander.

A master of a ship¹ or a commander² of an aircraft who either opens a sealed mail bag³ with which he is entrusted for conveyance⁴, or takes out of a mail bag with which he is entrusted for conveyance any postal packet⁵ or other thing, is liable on summary conviction to a fine not exceeding level 4 on the standard scale⁶. Any person to whom postal packets have been entrusted by the master of a ship or the commander of an aircraft to deliver to the Post Office who breaks the seal or in any manner wilfully opens them is liable on summary conviction to a fine not exceeding level 2 on the standard scale⁷.

1 For the meaning of 'master' and 'ship' see PARA 154 note 1 ante.

2 For the meaning of 'commander' see PARA 154 note 5 ante.

3 For the meaning of 'mail bag' see PARA 153 note 6 ante.

4 Post Office Act 1953 s 32(1)(a) (amended by the Criminal Justice Act 1982 ss 38, 46).

5 For the meaning of 'postal packet' see PARA 88 note 2 ante.

6 Post Office Act 1953 s 32(1)(b).

7 Ibid s 32(2) (amended by the Criminal Justice Act 1982 s 46). As to the standard scale see PARA 37 note 3 ante.

UPDATE

157-160 Owner's letters ... Interference with mail bag by master or commander

Post Office Act 1953 repealed: Postal Services Act 2000 Sch 9. As to the general prohibition on interference with mail see now s 84, PARA 181.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(7) CONVEYANCE OF MAILS/161. Immunity of mails from proceedings in rem.

161. Immunity of mails from proceedings in rem.

Mails are not liable to be arrested or detained for salvage or general average¹.

1 *Young v The Scotia* [1903] AC 501, PC. See also *The Parlement Belge* (1880) 5 PD 197 at 212, CA; Crown Proceedings Act 1947 s 29; Post Office Act 1969 s 64(1). See PARA 90 ante. As to salvage generally see SHIPPING AND MARITIME LAW vol 93 (2008) PARA 876 et seq. As to general average see CARRIAGE AND CARRIERS vol 7 (Reissue) PARA 605 et seq; INSURANCE vol 25 (2003 Reissue) PARA 420 et seq; SHIPPING AND MARITIME LAW vol 93 (2008) PARA 133.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(7) CONVEYANCE OF MAILED/162. Harbour charges on mail bags.

162. Harbour charges on mail bags.

Statutory provisions made with respect to harbour authorities¹ exempting mail bags² or any description of mail bags from charges ceased to have effect on 1 October 1969³. However, no charge imposed by a harbour authority in respect of goods brought into, taken out of or carried through a harbour which, in the exercise and performance of statutory powers and duties, it is engaged in improving, maintaining or managing⁴ applies to goods contained in: (1) mail bags carried by the Post Office or consigned by it to another for carriage, whether to a foreign administration⁵ or not, or by a foreign administration to it for carriage⁶; or (2) mail bags consigned by one foreign administration to another, being mail bags which, when in the United Kingdom, are in the charge of the Post Office⁷. Charges in respect of mail bags and their contents exigible by a harbour authority at such a harbour are not payable before the expiration of the period of eight weeks beginning with the day on which the bags are brought within the limits of the harbour, notwithstanding anything in any statutory provision made with respect to the harbour authority⁸.

1 'Harbour authority' has the same meaning as in the Harbours Act 1964 (see s 57(1); and PORTS AND HARBOURS vol 36(1) (2007 Reissue) PARA 619) and the references in the Post Office Act 1969 s 66 (as amended) to a harbour which, in the exercise and performance of statutory powers and duties, a harbour authority is engaged in improving, maintaining or managing must be construed as if they were contained in that Act: Post Office Act 1969 s 66(4) (amended by the Postal Services (Isle of Man Consequential Provisions) Order 1973, SI 1973/960, art 6), Post Office Act 1969 s 86(1).

2 For the meaning of 'mail bag' see PARA 90 note 1 ante.

3 Post Office Act 1969 s 66(1). The appointed day for the purposes of the Post Office Act 1969 was 1 October 1969 (see PARA 1 note 3 ante).

4 See note 1 supra.

5 For the meaning of 'foreign administration' see PARA 90 note 1 ante.

6 Post Office Act 1969 s 66(2)(a).

7 Ibid s 66(2)(b). For the meaning of 'United Kingdom' see PARA 18 note 1 ante.

8 Ibid s 66(3). Such charges are recoverable by means of proceedings instituted in that behalf in any court of competent jurisdiction to the exclusion of any other means: s 66(3).

UPDATE

162 Harbour charges on mail bags

TEXT AND NOTES--1969 Act s 66 replaced by the Postal Services Act 2000 s 97.

NOTE 1--1969 Act ss 66(4), 86(1) now Postal Services Act 2000 s 97(6), (7).

TEXT AND NOTE 5--For 'the Post Office' read 'a universal service provider': ibid s 97(1). As to the provision of a universal postal service see PARA 24.

TEXT AND NOTE 7--For 'the Post Office' read 'a universal service provider': ibid s 97(2).

NOTE 8--Now ibid s 97(3)-(5).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/(7) CONVEYANCE OF MAILS/163. Mail bags not to be subject to control by harbour authorities.

163. Mail bags not to be subject to control by harbour authorities.

Nothing in any statutory provision made before or after the Post Office Act 1969 with respect to a harbour authority¹ extends to regulate or subject to control mail bags² carried by the Post Office or consigned by it to another for carriage, whether to a foreign administration³ or not, or by a foreign administration to the Post Office for carriage⁴, or mail bags consigned by one foreign administration to another, being mail bags which, when in the United Kingdom, are in the charge of the Post Office⁵.

1 For the meaning of 'harbour authority' see PARA 162 note 1 ante.

2 For the meaning of 'mail bag' see PARA 90 note 1 ante.

3 For the meaning of 'foreign administration' see PARA 90 note 1 ante.

4 Post Office Act 1969 s 67(a).

5 Ibid s 67(b). For the meaning of 'United Kingdom' see PARA 18 note 1 ante.

UPDATE

163 Mail bags not to be subject to control by harbour authorities

TEXT AND NOTES--1969 Act s 67 replaced by the Postal Services Act 2000 s 98.

TEXT AND NOTE 1--For 'made before or after the Post Office Act 1969' read 'whenever made': ibid s 98.

TEXT AND NOTE 4--For 'the Post Office' read 'a universal service provider': ibid s 98(a)-(c). As to the provision of a universal postal service see PARA 24.

TEXT AND NOTE 5--For 'the Post Office' read 'a universal service provider': ibid s 98(d).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/ (8) CUSTOMS AND EXCISE/164. Application of Customs and Excise Acts to postal packets.

(8) CUSTOMS AND EXCISE

164. Application of Customs and Excise Acts to postal packets.

The enactments relating to customs or excise apply¹ in relation to goods contained in such postal packets² as are specified in regulations made by the Treasury brought into or sent out of the United Kingdom by post from or to any place outside the United Kingdom as they apply in relation to goods otherwise imported, exported or removed into or out of the United Kingdom from or to any such place³. Customs or excise duties charged on imported goods, or other charges⁴ payable in respect of a postal packet⁵, are recoverable by the Post Office in any court of competent jurisdiction as if they were simple contract debts⁶.

1 Ie subject to modifications and exceptions made by regulations made by the Treasury under the Post Office Act 1953 s 16(2) (see PARAS 165-166 post): s 16(1).

2 For the meaning of 'postal packet' see PARA 88 note 2 ante.

3 Post Office Act 1953 s 16(1) (substituted by the Postal Services (Isle of Man Consequential Provisions) Order 1973, SI 1973/960, art 11(1); and amended by the Customs and Excise Management Act 1979 s 177(1) Sch 4 para 12, Table Pt I), Post Office Act 1953 s 16(2) (construed in accordance with the Post Office Act 1969 ss 76, 88, 139, Sch 4 para 2(4); and amended by virtue of the Ministry of Posts and Telecommunications (Dissolution) Order 1974, SI 1974/691, arts 2, 3(3)). As to the making of regulations see PARA 165 post. As to the regulations in force see PARAS 166, 168 post. In relation to any postal packet, 'foreign' means either posted in the British postal area (for the meaning of which see PARA 164 note 3 ante) and sent to a place outside that area, or posted in a place outside that area and sent to a place within that area, or in transit through that area to a place outside that area: Post Office Act 1953 s 87(1). As to the enactments relating to customs or excise see CUSTOMS AND EXCISE vol 12(2) (2007 Reissue) PARA 398 et seq. As to the application of those enactments to imported goods chargeable with value added tax see PARA 165 note 9 post. For the meaning of 'United Kingdom' see PARA 18 note 1 ante.

4 Such duties and charges include any payable to the Post Office or to any other postal administration: Post Office Act 1969 ss 76, 88, 139, PARA 2(5) (amended by the Customs and Excise Management Act 1979 Sch 4 para 12, Table Pt I).

5 Ie a postal packet to which the enactments relating to customs or excise apply by virtue of regulations under the Post Office Act 1953 s 16 (as amended): Post Office Act 1969 Sch 4 para 2(5) (as amended: see note 4 supra). As to such packets see PARA 166 post.

6 Ibid Sch 4 para 2(5) (as amended: see note 4 supra). In any proceedings for the recovery of charges so payable, a certificate of the Post Office of the amount of the charges is evidence of that fact: Sch 4 para 2(5) (as so amended). As to evidence of postage and other sums payable in respect of postal packets see PARA 94 ante.

UPDATE

164 Application of Customs and Excise Acts to postal packets

NOTE 3--1969 Act ss 16(1), 87(1) now Postal Services Act 2000 s 105(1), (5).

NOTE 6--For 'Post Office' read 'postal operator' and for 'contract debt' read 'civil debt': ibid s 105(3), (4) (replacing 1969 Act Sch 4 para 2(5)). For the meaning of 'postal operator' see PARA 10B.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/ (8) CUSTOMS AND EXCISE/165. Power to make customs and excise regulations.

165. Power to make customs and excise regulations.

On the recommendation of the Commissioners of Customs and Excise and the Secretary of State¹, the Treasury may make regulations²:

- (1) for specifying the postal packets³ to which the enactments relating to customs or excise are to apply⁴;
- (2) for making modifications or exceptions in the application of those enactments to such packets⁵;
- (3) for enabling persons engaged in the business of the Post Office to perform, for the purposes of those enactments and otherwise, all or any of the duties of the importer, exporter or person removing the goods⁶;
- (4) for carrying into effect any arrangement with the government or postal administration of any other country with respect to foreign postal packets⁷; and
- (5) for securing the observance of those enactments and for punishing any contravention of the regulations⁸.

Such regulations may make special provision in relation to value added tax⁹.

1 The Secretary of State must consult with the Post Office before making a recommendation: Post Office Act 1969 ss 76, 88, 139, Sch 4 para 2(4) (amended by the Ministry of Posts and Telecommunications (Dissolution) Order 1974, SI 1974/691, arts 2, 3(3)). As to the Secretary of State see PARA 1 note 6 ante.

2 Such regulations are to be made by statutory instrument and different regulations may be made for foreign and inland postal packets respectively: Post Office Act 1953 s 16(2) (amended by the Post Office Act 1969 ss 76, 88, 139, Sch 4 para 2(4); and the Ministry of Posts and Telecommunications (Dissolution) Order 1974, SI 1974/691, arts 2, 3(3)). For the meaning of 'foreign' see PARA 164 note 3; and for the meaning of 'inland' see PARA 157 note 8 ante. As to the regulations made in the exercise of this power see PARAS 166-168 post.

3 For the meaning of 'postal packet' see PARA 88 note 2 ante.

4 Post Office Act 1953 s 16(2)(a).

5 Ibid s 16(2)(b); and see PARA 166 note 3 post.

6 Ibid s 16(2)(c) (construed in accordance with the Post Office Act 1969 ss 76, 88, 139, Sch 4 para 2(1)). As to these duties see CUSTOMS AND EXCISE vol 12(3) (2007 Reissue) PARAS 950 et seq (importation), 999 et seq (exportation).

7 Post Office Act 1953 s 16(2)(d). 'Any other country' includes the Isle of Man, the Bailiwick of Jersey and the Bailiwick of Guernsey: see the Isle of Man (Postal Services (Isle of Man Consequential Provisions) Order 1973, SI 1973/960, art 11(2); and the Postal Services (Channel Islands Consequential Provisions) Order 1969, SI 1969/1368, art 9(d).

8 Post Office Act 1953 s 16(2)(e).

9 Value Added Tax Act 1994 s 16(2). The enactments relating generally to customs or excise duties on the importation of goods into the United Kingdom and also Community legislation relating to Community customs duties on goods entering the Community apply (so far as relevant) to any VAT chargeable on goods from places outside the Community as they apply in relation to any such duty of customs or excise or Community customs duties: s 16(1). See VALUE ADDED TAX vol 49(1) (2005 Reissue) PARA 115.

UPDATE

165 Power to make customs and excise regulations

TEXT AND NOTES 1-8--1953 Act s 62(2) now Postal Services Act 2000 s 105(2).

NOTE 3--For the meaning of 'postal packet' see now PARA 24 NOTE 3.

NOTE 7--SI 1669/1368, SI 1973/960 revoked in so far as they extend to Jersey: SI 2006/1918.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/ (8) CUSTOMS AND EXCISE/166. Customs and excise regulations as to postal packets.

166. Customs and excise regulations as to postal packets.

Regulations made by the Treasury¹ apply the enactments relating to customs and excise², subject to certain modifications and exceptions³, to all postal packets⁴, other than postcards, which are posted in the United Kingdom for transmission to any place outside it or which are brought by post into the United Kingdom⁵.

Dutiable goods⁶ must not be brought by post into the United Kingdom from a place outside the United Kingdom and the Isle of Man for delivery in the United Kingdom or the Isle of Man⁷, except: (1) in a printed packet⁸ provided that the goods are of such a description as to be transmissible in such a packet under the overseas letter scheme⁹; or (2) in a parcel¹⁰, a letter packet¹¹, or a small packet¹².

1 Ie under the Post Office Act 1953 s 16(2) (as amended): see PARA 165 ante.

2 As to those enactments see PARA 164 note 3, PARA 165 note 9 ante; and see note 6 infra.

3 For the modifications and exceptions see the Postal Packets (Customs and Excise) Regulations 1986, SI 1986/260, reg 5 (as amended).

4 For the meaning of 'postal packet' see PARA 88 note 2 ante.

5 Postal Packets (Customs and Excise) Regulations 1986, SI 1986/260, reg 4. For the meaning of 'United Kingdom' see PARA 18 note 1 ante.

6 'Dutiable goods' has the meaning given by the Customs and Excise Management Act 1979 s 1(1) but includes goods chargeable with value added tax and goods subject to any other charge on importation: Postal Packets (Customs and Excise) Regulations 1986, SI 1986/260, reg 2(1). 'Dutiable goods' are goods of a class or description subject to any duty of customs or excise, whether or not they are in fact chargeable with that duty and whether or not that duty has been paid: Customs and Excise Management Act 1979 s 1(1). See CUSTOMS AND EXCISE vol 12(3) (2007 Reissue) PARA 941.

7 Subject to certain exceptions, goods removed into the United Kingdom from the Isle of Man are deemed not to be imported into the United Kingdom, and goods removed from the United Kingdom to the Isle of Man are deemed not to be exported from the United Kingdom: see the Isle of Man Act 1979 ss 8, 9 (both as amended).

8 'Printed packet', except in relation to the inland post, has the same meaning as in the Post Office Overseas Letter Post Scheme 1982 (see PARA 22(1) (amended by the Post Office Overseas Letter Post Amendment (No 12) Scheme 1991; and the Post Office Overseas Letter Post Amendment (No 16) Scheme 1996): Postal Packets (Customs and Excise) Regulations 1986, SI 1986/260, reg 2(2).

9 Ibid reg 6(b). The goods must be transmissible under the Post Office Overseas Letter Post Scheme 1982 para 22 (as amended): see PARA 127 ante.

10 'Parcel', except in relation to the inland post, has the same meaning as in the Post Office Overseas Parcel Post Scheme 1982 (see PARA 121 note 4 ante): Postal Packets (Customs and Excise) Regulations 1986, SI 1986/260, reg 2(2). In relation to the inland post 'parcel' has the same meaning as in the Post Office Inland Post Scheme 1979: Postal Packets (Customs and Excise) Regulations 1986, SI 1986/260, reg 2(3). The 1979 Scheme has been replaced by the Post Office Inland Letter Post Scheme 1989 and the Post Office Inland Parcel Post Scheme 1989: see PARA 95 ante.

11 'Letter packet' means a packet transmitted at the letter rate of postage and containing goods: Postal Packets (Customs and Excise) Regulations 1986, SI 1986/260, reg 2(1); and see PARA 129 ante.

12 Ibid reg 6(a). 'Small packet', except in relation to the inland post, has the same meaning as in the Post Office Overseas Letter Post Scheme 1982 (see PARA 24(1)): Postal Packets (Customs and Excise) Regulations 1986, SI 1986/260, reg 2(2).

UPDATE

166 Customs and excise regulations as to postal packets

NOTE 5--See now the Postal Packets (Revenue and Customs) Regulations 2007, SI 2007/2195, reg 2; and CUSTOMS AND EXCISE vol 12(3) (2007 Reissue) PARA 1033.

TEXT AND NOTES 8-12--For 'except ... small packet' read 'in a postal packet': SI 1986/260 reg 6 (amended by SI 2001/1149). 'Postal packet' means a letter, parcel, packet or other article transmissible by post, conveyed by a universal service provider in connection with the provision of a universal postal service (see PARA 24): SI 1986/260 reg 2(1) (amended by SI 2001/1149).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/ (8) CUSTOMS AND EXCISE/167. Post Office functions under customs and excise regulations.

167. Post Office functions under customs and excise regulations.

The proper¹ officer of the Post Office is authorised by regulations made by the Treasury² to perform, in relation to any postal packet³ or its contents, such of the duties imposed on the importer or exporter of goods by virtue of the customs and excise enactments as the Commissioners of Customs and Excise may require⁴. The proper officer of the Post Office must deliver to the proper officer of customs and excise any postal packet which the commissioners require to be so delivered on the ground that any goods contained in it are liable to forfeiture under the customs and excise enactments, including those regulations⁵.

In such cases or classes of case as the commissioners may require, the proper officer of the Post Office must produce to the proper officer of customs and excise and, if required by him, open for customs examination, postal packets arriving in or about to be dispatched from the United Kingdom⁶.

If a notice requiring entry to be made of goods brought by post into the United Kingdom or requiring a full and accurate account of them to be delivered to the proper officer of customs and excise is sent to the addressee of the packet containing them or to the importer of the goods and that notice is not complied with within 28 days of the date of the notice or such longer period as the commissioners may allow, then, unless the commissioners have required the packet to be delivered to them on the ground that any of its contents are liable to forfeiture, the Post Office must:

- (1) return the goods to the sender of the packet or otherwise export them in accordance with any request appearing on it⁷;
- (2) deliver them to the proper officer of customs and excise⁸, who may cause them to be deposited in a Queen's Warehouse⁹; or
- (3) with the commissioners' permission, destroy them under the supervision of the proper officer of customs and excise¹⁰.

On delivering a postal packet, the proper officer of the Post Office may demand payment of any duty¹¹ or other sum due to the commissioners on it¹², and if payment of such duty is not made, the Post Office may, if the commissioners agree, dispose of any goods contained in it, as it thinks fit¹³.

1 In relation to an officer, 'proper' means appointed or authorised by the Commissioners of Customs and Excise or the Post Office to perform any duty in relation to a postal packet: Postal Packets (Customs and Excise) Regulations 1986, SI 1986/260, reg 2(1).

2 Ie by the Postal Packets (Customs and Excise) Regulations 1986, SI 1986/260, made under the Post Office Act 1953 s 16(2) (as amended) (as to which see PARA 165 ante).

3 For the meaning of 'postal packet' see PARA 88 note 2 ante.

4 Postal Packets (Customs and Excise) Regulations 1986, SI 1986/260, reg 11.

5 Ibid reg 17.

6 Ibid reg 12. For the meaning of 'United Kingdom' see PARA 18 note 1 ante.

7 Ibid reg 14(1)(a).

8 Ibid reg 14(1)(b).

9 Ibid reg 14(2). 'Queen's Warehouse' means any place provided by the Crown or appointed by the commissioners for the deposit of goods for the security of the goods and of the duties chargeable on them: Customs and Excise Management Act 1979 s 1(1). Goods so deposited may be sold if not cleared by the importer within three months or such longer time as the commissioners may allow: see s 40(3); applied by the Postal Packets (Customs and Excise) Regulations 1986, SI 1986/260, reg 14(2); and see CUSTOMS AND EXCISE vol 12(3) (2007 Reissue) PARA 968.

10 Ibid reg 14(1)(c).

11 'Duty' includes value added tax and any other charge on imported goods: ibid reg 2(1).

12 Ibid reg 15(1). Sums received must be paid by the Post Office to the commissioners: reg 15(1).

13 Ibid reg 15(2). If any amount other than duty is not paid, the Post Office must deliver the packet to the proper officer of customs and excise: reg 15(3). As to the recovery of customs duty etc see PARA 164 ante.

UPDATE

167 Post Office functions under customs and excise regulations

NOTE 1--For 'Post Office' read 'postal operator': SI 1986/260 reg 2(1) (amended by SI 2001/1149).

TEXT AND NOTE 5--For 'Post Office' read 'postal operator': SI 1986/260 reg 17 (amended by SI 2001/1149).

TEXT AND NOTE 6--For 'Post Office' read 'postal operator': SI 1986/260 reg 12 (amended by SI 2001/1149).

TEXT AND NOTE 7--For 'Post Office' read 'postal operator': SI 1986/260 reg 14 (amended by SI 2001/1149).

TEXT AND NOTES 12, 13--For 'Post Office' read 'postal operator': SI 1986/260 reg 15 (amended by SI 2001/1149).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/ (8) CUSTOMS AND EXCISE/168. Customs declarations and other documents.

168. Customs declarations and other documents.

There are special requirements with respect to customs declarations and green labels applicable in relation to parcels¹, printed packets² containing dutiable goods³, small packets⁴, and letter packets⁵ which are brought by post into the United Kingdom or posted in the United Kingdom to a place outside it⁶, other than postal packets which: (1) contain only Community goods, and (a) having been posted elsewhere in the Community are brought by post for delivery in the United Kingdom or (b) are posted in the United Kingdom for delivery elsewhere in the Community or are posted outside the United Kingdom for delivery elsewhere in the Community; or (2) are posted outside the United Kingdom for delivery in another place so situated⁷.

Every such parcel must have affixed to it or be accompanied by a customs declaration fully and correctly stating the nature, quantity and value of the goods which it contains and such other particulars as the Commissioners of Customs and Excise or the Post Office may require⁸.

Every such packet must bear on the outside the top portion of a green label in the prescribed⁹ form and have attached¹⁰ to it a similar customs declaration, except that where the value of the packet does not exceed £270 a customs declaration is not required if the packet bears on the outside a green label in the prescribed form in which the declaration as to the description, net weight and value of the contents has been fully and correctly completed¹¹.

Every mail bag containing printed packets enclosing goods which are dutiable in the country of destination, brought by post into the United Kingdom, or posted in the United Kingdom for transmission to any place outside it under the provisions of the overseas letter scheme¹², must have affixed to the bag label a green label in the prescribed form¹³.

Every postal packet containing goods to be exported by post without payment of any customs or excise duty to which they are subject, or on drawback or repayment of such duty, must, on its removal to the post office, be accompanied by such shipping bill, declaration or other document containing such particulars as the commissioners may require¹⁴, and have affixed to its outer cover in the form and manner so required a label printed with the words 'Exported by Post under Customs and Excise Control', or must be distinguished in such other manner as may be so required¹⁵.

1 For the meaning of 'parcel' see PARA 166 note 10 ante.

2 For the meaning of 'printed packet' see PARA 166 note 8 ante.

3 For the meaning of 'dutiable goods' see PARA 166 note 6 ante. The provisions relating to printed packets posted in the United Kingdom for exportation refer to goods dutiable in the country of destination: see the Postal Packets (Customs and Excise) Regulations 1986, SI 1986/260, reg 8(1)(b). For the meaning of 'United Kingdom' see PARA 18 note 1 ante.

4 For the meaning of 'small packet' see PARA 166 note 12 ante.

5 For the meaning of 'letter packet' see PARA 166 note 11 ante.

6 Postal Packets (Customs and Excise) Regulations 1986, SI 1986/260, regs 7, 8. Dutiable goods must not be brought by post into the United Kingdom (except from the Isle of Man) for delivery in the United Kingdom or the Isle of Man, except in a parcel or in such a packet as is mentioned in PARA 166 ante. A packet or parcel is liable to forfeiture where there has been a failure to comply with the regulations: see reg 16.

7 Ibid reg 9(2) (substituted by SI 1992/3224).

8 Postal Packets (Customs and Excise) Regulations 1986, SI 1986/260, regs 7(1)(a), (2), 8(1)(a), (2). At the request of the Post Office, the commissioners may allow the bringing in or the exportation with a single customs declaration of a consignment of parcels all of which are brought into the United Kingdom or posted for exportation together, sent by the same person and addressed to the same addressee: regs 7(2) proviso, 8(2) proviso.

9 'Prescribed' means prescribed by the provisions of the Universal Postal Convention and detailed regulations made under it for the time being in force: Postal Packets (Customs and Excise) Regulations 1986, SI 1986/260, reg 2(1). See also the Universal Postal Convention; see PARA 11 ante.

10 Where a packet is posted to a place outside the United Kingdom, the customs declaration must be enclosed in it if the postal administration of the country of destination so requires: Postal Packets (Customs and Excise) Regulations 1986, SI 1986/260, reg 8(3), (4)(b). A registered letter packet containing any article of value, whether imported or posted for exportation, may have the customs declaration enclosed in the packet: regs 7(3) proviso, 7(4) proviso, 8(3) proviso, 8(4) proviso.

11 Ibid regs 7(1)(b), (4)(a), 8(1)(b), (4)(a).

12 Ie for transmission under the provisions of the Post Office Overseas Letter Post Scheme 1982 para 30: Postal Packets (Customs and Excise) Regulations 1986, SI 1986/260, reg 9(1).

13 Ibid reg 9(1). This requirement is in addition to the requirements of regs 7(1)(b), (3), (4), 8(1)(b), (3), (4): reg 9(1). This provision does not apply to mail bags which: (1) contain only Community goods, and (a) having been posted elsewhere in the Community are brought by post for delivery in the United Kingdom or (b) are posted in the United Kingdom for delivery elsewhere in the Community or are posted outside the United Kingdom for delivery elsewhere in the Community; or (2) are posted outside the United Kingdom for delivery in another place so situated: reg 9(2).

14 Ibid reg 10(a).

15 Ibid reg 10(b). The proper officer of the Post Office (see PARA 167 note 1 ante) accepting an outgoing packet bearing the label or other required distinguishing mark must indorse a certificate of posting on the appropriate document and give it to the sender: reg 13.

UPDATE

168 Customs declarations and other documents

TEXT AND NOTES 1-11--SI 1986/260 regs 7, 8 substituted: SI 2001/1149.

NOTE 8--For 'Post Office' read 'postal operator': SI 1986/260 regs 7(1), (2), 8(1), (2) (as substituted: see TEXT AND NOTES 1-11).

NOTE 10--SI 1986/260 regs 7(3) proviso, 7(4) proviso, 8(3) proviso, 8(4) proviso now regs 7(5), (6), 8(5), (6) (as substituted see TEXT AND NOTES 1-11).

NOTE 11--SI 1986/260 regs 7(1)(b), 8(1)(b) now regs 7(1), 8(1) (as substituted: see TEXT AND NOTES 1-11).

TEXT AND NOTE 12--For 'under ... letter scheme' read 'by a universal service provider in connection with the provision of a universal postal service': SI 1986/260 reg 9(1) (amended by SI 2001/1149). As to the provision of a universal postal service see PARA 24.

NOTE 15--For 'Post Office' read 'postal operator': SI 1986/260 reg 13 (amended by SI 2001/1149).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/ (8) CUSTOMS AND EXCISE/169. Detention of postal packets containing contraband.

169. Detention of postal packets containing contraband.

The Post Office may detain any postal packet¹ suspected to contain any goods chargeable with any duty charged on imported goods, whether a customs or an excise duty², which has not been paid or secured, or any goods in the course of importation, exportation or removal into or out of the United Kingdom contrary to any prohibition or restriction for the time being in force with respect to them under or by virtue of any enactment, and may forward the packet to the Commissioners of Customs and Excise³.

Where a packet has been so forwarded, the commissioners may open and examine it either (1) in the presence of the person to whom it is addressed⁴; or (2) if, after notice in writing⁵ from them requiring his attendance left at or forwarded by post to the address on the packet, the addressee fails to attend, or, if that address is outside the British postal area⁶, then in his absence⁷. If the commissioners then find any such contraband, prohibited or restricted goods, they may detain the packet and its contents for the purpose of taking proceedings with respect to it⁸. If they find none, they must either deliver the packet to the addressee upon his paying any postage and other sums chargeable on it or, if he is absent, forward the packet to him by post⁹.

1 For the meaning of 'postal packet' see PARA 88 note 2 ante.

2 It would seem that this empowers the detention of postal packets suspected to contain goods on the importation of which value added tax is chargeable and has not been paid or secured: see PARA 165 note 9 ante.

3 Post Office Act 1953 s 17(1) (amended by the Post Office Act 1969 ss 76, 88, 139, Sch 4 para 2(6); the Customs and Excise Management Act 1979 s 177(1), Sch 4 para 12, Table Pt I; and the Postal Services (Channel Islands Consequential Provisions) Order 1969, SI 1969/1368, art 10; Postal Services (Isle of Man Consequential Provisions) Order 1973, SI 1973/960, art 12). For the meaning of 'United Kingdom' see PARA 18 note 1 ante.

4 Post Office Act 1953 s 17(2)(a).

5 For the meaning of 'writing' see PARA 78 note 2 ante.

6 For the meaning of 'British postal area' see PARA 157 note 8 ante.

7 Post Office Act 1953 s 17(2)(b).

8 Ibid s 17(3)(a).

9 Ibid s 17(3)(b).

UPDATE

169 Detention of postal packets containing contraband

TEXT AND NOTES--1969 Act s 17 replaced by the Postal Services Act 2000 s 106.

TEXT AND NOTE 1--For 'Post Office' read 'postal operator' (see PARA 10B): ibid s 106(1), (2).

NOTE 4--Now ibid s 106(4)(a).

NOTE 7--Now ibid s 106(4)(b), (5).

NOTE 8--Now ibid s 106(6).

NOTE 9--Now ibid s 106(7).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/ (9) ELECTIONS, ELECTION ADDRESSES, PETITIONS ETC/170. Election law affecting the Post Office.

(9) ELECTIONS, ELECTION ADDRESSES, PETITIONS ETC

170. Election law affecting the Post Office.

The Post Office has certain functions relating to parliamentary elections¹.

Writs for parliamentary elections in Great Britain must be conveyed to the returning officers² by sending them through the post³. The Post Office must prepare and keep up to date a parliamentary writs list specifying, by the title of his office, each returning officer or acting returning officer to whom a writ may be required to be conveyed⁴. The list must also specify the designation and address of an official of the Post Office ('the appropriate official') to whom it has assigned the duty of securing the conveyance of the list⁵. A copy of the list and particulars of alterations made to it must be sent to the Clerk of the Crown⁶.

As soon as possible after the issue of the writ for a parliamentary election, the Clerk of the Crown must send the writ by registered post or the recorded delivery service to the appropriate official in a package containing instructions from the Post Office as to its delivery together with a form of receipt⁷. The official must forthwith convey the writ, or have it conveyed, to the returning officer or acting returning officer⁸, who is required to sign the form of receipt⁹ which the official must then send by registered post or the recorded delivery service to the Clerk of the Crown¹⁰.

The returning officer must deliver to the nearest head post office or such other office as may be arranged with the head postmaster the envelopes containing postal ballot papers addressed to postal voters, and the postmaster must stamp with the post office date stamp a form of receipt presented to him with the envelopes stating the number of envelopes so delivered, and must forward the envelopes immediately to the addressees¹¹.

The returning officer must return the name of the member elected by indorsing on the writ a certificate in the prescribed form¹². On receiving a receipt for it, the returning officer may deliver the indorsed writ to the postmaster, or his deputy, of the principal post office of the place of the election, who must send it under cover indorsed with the words 'Election Writ and Return' by the first post free of charge to the Clerk of the Crown¹³.

The returning officer must forward the packets of ballot papers and certain other election documents to the Clerk of the Crown¹⁴. He may send them by post in the same manner as he sends the writ by post, in which case he must sign a copy of the receipt required to be given to him for the documents and the postmaster or his deputy must retain this receipt¹⁵. The Clerk of the Crown must give to the person delivering the documents to him a receipt and must register the documents in the books of the Crown Office specifying the date and time of the receipt¹⁶.

1 As to the right of a candidate to send an election address post free see PARA 171 post; and ELECTIONS AND REFERENDUMS vol 15(3) (2007 Reissue) PARA 335. The Post Office is entitled to remuneration (the amount being charged on and issued out of the Consolidated Fund) for postal services rendered without charge in pursuance of the Representation of the People Act 1983, at the rate fixed by a scheme made under the Post Office Act 1969 s 28 (as amended) (see PARA 83 ante); see s 72 (as amended). This provision applies also to elections to the European Parliament: see European Parliamentary Elections Regulations 1999, SI 1999/1214, reg 3(3). As to the Consolidated Fund see CONSTITUTIONAL LAW AND HUMAN RIGHTS vol 8(2) (Reissue) PARA 711 et seq; PARLIAMENT vol 78 (2010) PARA 1028 et seq.

2 As to the designation of returning officers see the Representation of the People Act 1983 s 24 (as amended); and ELECTIONS AND REFERENDUMS vol 15(4) (2007 Reissue) PARA 355. As to the discharge of the returning officer's functions by an acting returning officer see s 28 (as amended); and ELECTIONS AND REFERENDUMS vol 15(4) (2007 Reissue) PARA 356.

3 Parliamentary Election Rules r 3(3) (set out in the Representation of the People Act 1983 s 23, Sch 1 (as amended); Parliamentary Writs Order 1983, SI 1983/605, art 9.

4 Ibid art 6. The list must also specify the address of the office of the officer, who must furnish information as to this address and any change to any details: arts 5, 6. As to the conveyance of writs to returning officers or acting returning officers see the Parliamentary Election Rules rr 3, 4; and ELECTIONS AND REFERENDUMS vol 15(3) (2007 Reissue) PARA 201.

5 Parliamentary Writs Order 1983, SI 1983/605, art 7.

6 Ibid art 8. As to the Clerk of the Crown see CONSTITUTIONAL LAW AND HUMAN RIGHTS vol 8(2) (Reissue) PARA 921.

7 Ibid art 10; and the Recorded Delivery Service Act 1962 s 1(1) (see PARA 92 ante).

8 Parliamentary Writs Order 1983 art 11(1).

9 Ibid art 11(2).

10 Ibid art 11(3); and the Recorded Delivery Service Act 1962 s 1(1).

11 Representation of the People Regulations 1986, SI 1986/1081, reg 86(1). See note 2 supra. As to postal ballot papers see ELECTIONS AND REFERENDUMS vol 15(4) (2007 Reissue) PARA 411 et seq.

12 Parliamentary Election Rules r 51(1). The certificate must be in the form in the Appendix to the rules. See also ELECTIONS AND REFERENDUMS vol 15(4) (2007 Reissue) PARA 479.

13 Ibid r 51(4).

14 Ibid r 55(1). See also ELECTIONS AND REFERENDUMS vol 15(4) (2007 Reissue) PARA 494.

15 Ibid r 55(2).

16 Ibid r 55(3).

UPDATE

170 Election law affecting the Post Office

NOTE 1--In relation to European Parliamentary elections see now the European Parliamentary Elections Regulations 2004, SI 2004/293, reg 63.

TEXT AND NOTES 4, 5--For 'Post Office' (in both places) read 'relevant universal postal service provider': SI 1983/605 arts 6, 7 (amended by SI 2001/1149). As to the provision of a universal postal service see PARA 24.

TEXT AND NOTE 7--For 'registered post' read 'registered post service of the relevant universal postal service provider' and for 'Post Office' read 'relevant universal postal service provider': SI 1983/605 art 10 (amended by SI 2001/1149).

TEXT AND NOTE 10--For 'registered post' read 'registered post service of the relevant universal postal service provider': SI 1983/605 art 11(3) (amended by SI 2001/1149).

NOTE 11--SI 1986/1081 reg 86(1) now the Representation of the People (England and Wales) Regulations 2001, SI 2001/341, reg 76.

TEXT AND NOTE 15--For 'postmaster or his deputy' read 'the official designated by the universal postal service provider or the deputy of that official': Parliamentary Election Rules r 55(2) (amended by SI 2001/1149).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/ (9) ELECTIONS, ELECTION ADDRESSES, PETITIONS ETC/171. Exemption of election addresses and petitions and addresses to Her Majesty or to Parliament.

171. Exemption of election addresses and petitions and addresses to Her Majesty or to Parliament.

Subject to regulations of the Post Office¹, a duly nominated candidate at a parliamentary or European parliamentary election is entitled to send, free of postage, certain election communications to electors and persons entered in the list of proxies².

Petitions and addresses forwarded to Her Majesty by post are exempt from postage chargeable by the Post Office³; and petitions and addresses to Her Majesty, and petitions addressed to either House of Parliament, sent by post to a member of either House of Parliament are exempt from postage so chargeable, provided that they do not exceed 32 ounces in weight and are sent without covers or in covers open at the sides⁴.

1 Schemes made under the Post Office Act 1969 s 28 (as amended) (see PARA 83 ante).

2 See the Representation of the People Act 1983 s 91(1)-(3) (s 91(1) substituted by the Representation of the People Act 1985 s 24, Sch 4 para 34); European Parliamentary Elections Regulations 1999, SI 1999/1214, reg 3(1). The privilege may be exercised by a candidate before nomination on his giving such security as may be required by the Post Office: Representation of the People Act 1983 s 91(3). As to the functions of the Post Office relating to parliamentary elections see PARA 170 ante.

In relation to elections to the Scottish Parliament see the Scottish Parliament (Elections) Order 1999, SI 1999/787, art 58; in relation to the Northern Ireland Assembly see the New Northern Ireland Assembly (Elections) Order 1998, SI 1998/1287, art 3, Sch 1; and in relation to the Welsh Assembly see the National Assembly for Wales (Representation of the People) Order 1999/450, art 66.

3 Post Office Act 1969 s 84(1)(a).

4 Ibid s 84(1)(b). In relation to Northern Ireland, 'Parliament' includes the Northern Ireland Assembly, and 'parliamentary' is to be construed accordingly: s 84(3) (amended by the Northern Ireland (Modification of Enactments No 1) Order 1973, SI 1973/2163, art 14(1), Sch 5 para 20). In relation to Scotland, the references to either House of Parliament include the Scottish Parliament, and 'parliamentary proceedings' includes proceedings of the Scottish Parliament: s 84(4) (added by The Scotland Act 1998 (Consequential Modifications) (No 1) Order 1999, SI 1999/1042, art 1(2)(a)).

UPDATE

171 Exemption of election addresses and petitions and addresses to Her Majesty or to Parliament

TEXT AND NOTE 1--For 'regulations of the Post Office' read 'such reasonable terms and conditions as the universal service provider (see PARA 24) concerned may specify': 1983 Act s 91(1) (amended by the Postal Services Act 2000 Sch 8 para 17(2)(a)).

TEXT AND NOTE 2--For 'postage' read 'any postage which would otherwise be made by a universal service provider': 1983 Act s 91(1) (amended by the 2000 Act supra Sch 8 para 17(2)(b), (c)).

NOTE 2--For 'the Post Office' read 'the universal service provider concerned': 1983 Act s 91(3); 2000 Act s 127(4), Sch 8 Pt II para 17(4). SI 1999/450 replaced by the National Assembly for Wales (Representation of the People) Order 2003, SI 2003/284 (modified by SI 2003/1557; amended by SI 2004/1771, SI 2005/2114, SI 2006/884, SI 2006/1016). SI 1999/1214 reg 3(1) now the European Parliamentary Elections Regulations 2004, SI 2004/293, reg 63(2). The candidate at a parliamentary election may require the returning officer to make arrangements with the universal service provider for communications under the 1983 Act s 91(1) to be sent to persons who have anonymous entries in the register; and such arrangements must be such as to ensure that it is not disclosed to any other person that the addressee of such a communication has an anonymous entry: s 91(2A), (2B) (added by the Electoral Administration Act 2006 Sch 1 para 10(2)).

TEXT AND NOTE 3--For 'Post Office' read 'a universal service provider in connection with the provision of a universal postal service (see further PARA 24)': 2000 Act s 100(1).

TEXT AND NOTE 4--Weight limit now 1 kg: ibid s 100(2), (3) (replacing 1969 Act s 84(1)(b)). The definitions contained in the 1969 Act s 84(3), (4) are now incorporated into the 2000 Act s 100(1)-(3), (6).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/2. THE BUSINESS OF THE POST OFFICE/ (9) ELECTIONS, ELECTION ADDRESSES, PETITIONS ETC/172. Limitation of postage recoverable in respect of parliamentary proceedings where postage not prepaid.

172. Limitation of postage recoverable in respect of parliamentary proceedings where postage not prepaid.

Where the postage chargeable by the Post Office on a packet consisting of parliamentary proceedings¹ has not been prepaid or has been insufficiently prepaid, the Post Office may not recover (whether from the sender or the addressee) more than the amount of the postage prepayable, or of the deficiency².

1 See PARA 171 note 4 ante.

2 Post Office Act 1969 s 84(2).

UPDATE

172 Limitation of postage recoverable in respect of parliamentary proceedings where postage not prepaid

TEXT AND NOTES--1969 Act s 84(2) now Postal Services Act 2000 s 100(4), (5).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/3. OFFENCES AND LEGAL PROCEEDINGS/(1) OFFENCES/173. Offences generally.

3. OFFENCES AND LEGAL PROCEEDINGS

(1) OFFENCES

173. Offences generally.

Various offences against the Post Office are defined by statute¹. Some of these have been mentioned elsewhere as part of the general criminal law²; some have been mentioned previously in connection with particular aspects of the law relating to the Post Office and others are described in later paragraphs³. Statutory authority for the detention of postal packets from addressees has been conferred in certain instances⁴.

Any person is guilty of an offence who solicits or endeavours to procure any other person to commit an offence punishable on indictment under the Post Office Act 1953⁵.

1 Le chiefly by the Post Office Act 1953 ss 53 (as amended), 55-65 (as amended), 68.

2 See eg CRIMINAL LAW, EVIDENCE AND PROCEDURE vol 11(1) (2006 Reissue) PARA 540 (Post Office Act 1953 ss 22, 23, 57 (all as amended) (issuing money orders with fraudulent intent and secreting of postal packets by persons engaged in the business of the Post Office)), PARA 589 (Post Office Act 1953 s 53 (as amended): unlawfully taking away or opening a mail bag etc), PARA 590 (s 55 (as amended): fraudulent retention of mail bag or postal packet), PARA 591 (s 56 (as amended): criminal diversion of letters from addressee), PARA 592 (Theft Act 1968 s 14: thefts etc of mails from outside England and Wales). The provisions of the Post Office Act 1953 ss 52, 54 which contained specific offences of stealing and receiving a stolen mail bag or postal packet were repealed (apart from in Scotland) by the Theft Act 1968 s 33(3), Sch 3 Pt I. Those offences are now liable to prosecution under the general provisions of ss 1, 22. As to the prosecution of certain offences in any jurisdiction in the British postal area see the Post Office Act 1953 s 70 (substituted by the Theft Act 1968 s 33(1), Sch 2 Pt I para 10). 'British postal area' means the United Kingdom: Post Office Act 1953 s 87(1) (definition amended by the Postal Services (Channel Islands Consequential Provisions) Order 1969, SI 1969/1368, art 14; and the Postal Services (Isle of Man Consequential Provisions) Order 1973, SI 1973/960, art 16).

3 See PARA 174 et seq post.

4 See eg CONSTITUTIONAL LAW AND HUMAN RIGHTS vol 8(2) (Reissue) PARA 358. Apart from such special authority, a person whose letters are opened by another may be able to obtain an injunction to restrain the diversion of them: see CIVIL PROCEDURE vol 11 (2009) PARA 488.

5 Post Office Act 1953 s 68. The punishment is imprisonment for a term not exceeding two years: s 68. See also *R v James*(1890) 24 QBD 439, where a prisoner inducing a postman to intercept letters was held to be an accessory before the fact.

UPDATE

173 Offences generally

TEXT AND NOTES--1953 Act repealed: Postal Services Act 2000 Sch 9. As to offences in relation to postal services see now ss 83 (PARA 181), 84 (PARA 181A), 85 (PARA 88), 86 (PARA 179), 87 (PARA 178), 88 (PARA 180).

Where an offence under the Postal Services Act 2000 committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of a director, manager, secretary or other similar officer of the body corporate, or a person purporting to act in such a capacity, he as well as the body corporate commits the offence and is liable to be proceeded against and punished accordingly: s 120(1). Where the affairs of a body corporate are managed by its members, s 120(1) applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate: s 120(2).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/3. OFFENCES AND LEGAL PROCEEDINGS/(1) OFFENCES/174. Injury to letter boxes.

174. Injury to letter boxes.

A person commits an offence who places or attempts to place in or against a post office letter box¹ any fire, match, light, explosive or dangerous substance, filth, noxious or deleterious substance², or any fluid, or commits a nuisance in or against it, or does or attempts to do anything likely to injure the box, or its appurtenances or contents³.

1 For the meaning of 'post office letter box' see PARA 65 note 1 ante.

2 As to the offence of sending explosive or dangerous substances through the post see the Post Office Act 1953 s 11(1)(a) (as amended); and PARA 88 ante.

3 Ibid s 60(1) (amended by the British Telecommunications Act 1981 s 89, Sch 6 pt II). The punishment on conviction on indictment is imprisonment for a term not exceeding 12 months, and on summary conviction a fine not exceeding the prescribed sum: s 60(2) (amended by the Magistrates Court Act 1980 s 32(2)). As to the prescribed sum see PARA 82 note 6 ante.

UPDATE

174-177 Injury to letter boxes ... Fictitious stamps

Repealed: Postal Services Act 2000 Sch 9.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/3. OFFENCES AND LEGAL PROCEEDINGS/(1) OFFENCES/175. Negligence or misconduct of letter carriers.

175. Negligence or misconduct of letter carriers.

Any person employed to convey or deliver a mail bag¹ or a postal packet² in course of transmission by post³, or to perform any other duty in respect of such mail bag or postal packet, is liable on summary conviction to a fine⁴ if he:

- (1) without authority, while so employed, or while the mail bag or postal packet is in his custody or possession, leaves it, or permits any person, not being the person in charge of it, to ride in the place appointed for the person in charge of it in or upon any vehicle used for its conveyance, or to ride in or upon a vehicle so used and not licensed to carry passengers, or upon a horse used for its conveyance on horseback⁵;
- (2) is guilty of any act of drunkenness while so employed⁶;
- (3) is guilty of carelessness, negligence or other misconduct by which the safety of the mail bag or postal packet is endangered⁷;
- (4) without authority collects, receives, conveys or delivers a postal packet otherwise than in the ordinary course of post⁸;
- (5) gives false information of an assault or attempt at robbery upon him⁹; or
- (6) loiters on the road or passage, or wilfully misspends his time so as to retard the progress or delay the arrival of a mail bag or postal packet in course of

transmission by post, or does not use due care and diligence safely to convey a mail bag or postal packet at the due speed¹⁰.

- 1 For the meaning of 'mail bag' see PARA 90 note 1 ante.
- 2 For the meaning of 'postal packet' see PARA 88 note 2 ante.
- 3 For the purposes of the Post Office Act 1953, a postal packet is deemed to be in course of transmission by post from the time of its being delivered to any post office to the time of its being delivered to the addressee: s 87(2)(a). The delivery of a postal packet of any description to a letter carrier or other person authorised to receive postal packets of that description for the post, or to an officer of the Post Office, or to a person engaged in the business of the Post Office, to be dealt with in the course of his duty, is delivery to a post office: s 87(2)(b); Post Office Act 1969 s 76, Sch 4 para 2(24). The delivery of a postal packet (1) at the premises to which it is addressed or redirected (except if the premises are a post office from which it is to be collected); (2) to any box or receptacle to which the occupier of those premises has agreed that postal packets addressed to persons at those premises may be delivered; or (3) to the addressee's servant or agent or to some other person considered to be authorised to receive the packet, is a delivery to the addressee: Post Office Act 1953 s 87(2)(c) (substituted by the British Telecommunications Act 1981 s 77). For the meaning of 'post office' and 'post office letter box' see PARA 65 note 1 ante. For the meaning of 'officer of the post office' see PARA 37 note 1 ante.
- 4 The fine is a sum not exceeding level 2 on the standard scale: Post Office Act 1953 s 59 (amended by virtue of the Criminal Justice Act 1982 ss 37, 46). As to the standard scale see PARA 37 note 3 ante.
- 5 Post Office Act 1953 s 59(1)(a).
- 6 Ibid s 59(1)(b).
- 7 Ibid s 59(1)(c).
- 8 Ibid s 59(1)(d).
- 9 Ibid s 59(1)(e).
- 10 Ibid s 59(1)(f). As to the wilful detaining or delaying of postal packets see also PARA 181 post.

UPDATE

174-177 Injury to letter boxes ... Fictitious stamps

Repealed: Postal Services Act 2000 Sch 9.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/3. OFFENCES AND LEGAL PROCEEDINGS/(1) OFFENCES/176. Imitation of stamps, envelopes, forms, marks and dies.

176. Imitation of stamps, envelopes, forms, marks and dies.

It is an offence, punishable on summary conviction by a fine¹ for any person without due authority:

- (1) to make, issue or send by post or otherwise any envelope, wrapper, card, form or paper in imitation of one issued by or under the authority of the Post Office or any other postal administration, or having on it any words, letters or marks which signify or imply, or may reasonably lead the recipient to believe, that a postal packet² bearing them is sent on Her Majesty's service³;

- (2) to make on any envelope, wrapper, card, form or paper for the purpose of being issued or sent by post or otherwise, or otherwise used, any mark in imitation of or similar to or purporting to be any stamp or mark of any post office under the authority established by the Post Office⁴ or under any other postal administration or any words, letters or marks which signify or imply, or may reasonably lead the recipient to believe, that a postal packet bearing them is sent on Her Majesty's service⁵; or
- (3) to issue or send by post or otherwise any envelope, wrapper, card, form or paper so marked⁶.

1 The fine must not exceed level 1 on the standard scale: Post Office Act 1953 s 62(2) (amended by virtue of the Criminal Justice Act 1982 ss 38, 46). As to the standard scale see PARA 37 note 3 ante.

2 For the meaning of 'postal packet' see PARA 88 note 2 ante.

3 Post Office Act 1953 s 62(1)(a) (amended by virtue of the Post Office Act 1969 s 76, Sch 4 para 2(14)).

4 For the meaning of 'post office' see PARA 65 note 1 ante. As to the authority established by the Post Office see the Post Office Act 1969 s 6 (as amended); and PARA 12 ante.

5 Post Office Act 1953 s 62(1)(b) (amended by virtue of the Post Office Act 1969 Sch 4 para 2(14)).

6 Post Office Act 1953 s 62(1)(c).

UPDATE

174-177 Injury to letter boxes ... Fictitious stamps

Repealed: Postal Services Act 2000 Sch 9.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/3. OFFENCES AND LEGAL PROCEEDINGS/(1) OFFENCES/177. Fictitious stamps.

177. Fictitious stamps.

Except for such purposes as may be approved by the Post Office in writing, and in accordance with any conditions as may be attached to the approval, it is an offence for any person¹:

- (1) to make, knowingly utter, deal in or sell any fictitious stamp²;
- (2) to have in his possession, unless he shows a lawful excuse³, any fictitious stamp⁴; or
- (3) to make, or, unless he shows a lawful excuse, have in his possession⁵ any die, plate, instrument or materials for making any fictitious stamp⁶.

It is also an offence knowingly to use for the purposes of the Post Office⁷ any fictitious stamp⁸.

A person who commits any of these offences is liable on summary conviction to a fine⁹.

The importation into the United Kingdom¹⁰ from a place outside the Member States of the European Community of any facsimile, imitation or representation, whether on paper or otherwise, of any stamp for denoting any rate of postage, whether of the British postal area¹¹ or of any country outside that area, or of any die, plate, instrument or materials for making such a facsimile, imitation or representation, is prohibited¹².

1 Post Office Act 1953 s 63(1) (amended by the Post Office Act 1969 s 76, Sch 4 para 2(15)).

2 Post Office Act 1953 s 63(1)(a). 'Fictitious stamp' means any facsimile, imitation or representation, whether on paper or otherwise, of any stamp for the time being authorised or required to be used for the purpose of the Post Office, or of any current stamp for denoting a rate of postage of any country outside the British postal area (for the meaning of which see PARA 173 note 2 ante): Post Office Act 1953 s 63(6) (amended by the Post Office Act 1969 s 77, Sch 5 para 3). The provisions relating to fictitious stamps were formerly contained in the Post Office Act 1908 s 65 (repealed). Any references to the Post Office Act 1908 s 65 in, or in any regulations made under, any enactment applying or adapting s 65 for the purposes of that enactment or any such regulations, unless the contrary intention appears, must be construed as a reference to that section as originally enacted: see the Post Office Act 1953 s 63(7), Sch 2.

As to defacing unused adhesive stamps, and as to fraudulent practices not specially provided for by law in respect of any duty see the Stamp Duties Management Act 1891 ss 20, 21; and STAMP DUTIES, AND STAMP DUTY RESERVE TAX vol 44(1) (Reissue) PARA 1113. As to the fraudulent printing of stamps, including postage stamps, from a genuine die, fraudulent cutting, tearing or removing of stamps with intent to use them and similar matters see s 13; and CRIMINAL LAW, EVIDENCE AND PROCEDURE vol 11(1) (2006 Reissue) PARA 354. As to offences relating to the fraudulent use of genuine stamps, including postage stamps, and similar matters see the Stamp Act 1891 s 9; and STAMP DUTIES AND STAMP DUTY RESERVE TAX vol 44(1) (Reissue) PARA 1107.

3 An innocent motive does not of itself constitute a lawful excuse (see *Dickins v Gill* [1896] 2 QB 310, DC); nor is lack of knowledge that the stamps are fictitious a lawful excuse under this provision unless the stamps have been acquired lawfully, ie at a post office or from a licensed dealer (see *Winkle v Wiltshire* [1951] 1 KB 684, [1951] 1 All ER 479, DC).

4 Post Office Act 1953 s 63(1)(b).

5 A newspaper proprietor and printer who ordered and kept in his possession a die for making uncoloured illustrations of a current colonial postage stamp in an illustrated stamp catalogue or newspaper was held to have the die in his possession without lawful excuse under the Post Office (Protection) Act 1884 s 7(c) (repealed): *Dickins v Gill* [1896] 2 QB 310, DC. Any person who without lawful authority or excuse has in his custody or possession any forged stamp or die as defined by the Stamp Duties Management Act 1891 s 27 (see STAMP DUTIES AND STAMP DUTY RESERVE TAX), knowing it to be forged, is guilty of an offence: see the Forgery and Counterfeiting Act 1981 s 22(2). As to forgery generally see CRIMINAL LAW, EVIDENCE AND PROCEDURE vol 11(1) (2006 Reissue) PARA 347.

6 Post Office Act 1953 s 63(1)(c). Any stamp, die, plate, instrument or materials found in the possession of any person in contravention of these provisions may be seized and must be forfeited: s 63(4).

7 For the meaning of 'the purposes of the Post Office' see PARA 65 note 1 ante.

8 Post Office Act 1953 s 63(2).

9 Ibid s 63(3). The fine is a sum not exceeding level 3 on the standard scale: s 63(3) (amended by the Forgery and Counterfeiting Act 1981 s 29; and the Criminal Justice Act 1982 ss 37, 46). As to the standard scale see PARA 37 note 3 ante.

10 For the meaning of 'United Kingdom' see PARA 18 note 1 ante.

11 For the meaning of 'British postal area' see PARA 173 note 2 ante.

12 Post Office Act 1953 s 63(5) (amended by the Postal Services (Isle of Man Consequential Provisions) Order 1973, SI 1973/960, art 14; and the Post Office (Abolition of Import Restrictions) Regulations 1993, SI 1993/1324).

UPDATE

174-177 Injury to letter boxes ... Fictitious stamps

Repealed: Postal Services Act 2000 Sch 9.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/3. OFFENCES AND LEGAL PROCEEDINGS/(1) OFFENCES/178. False notices.

178. False notices.

A person must not, without the authority of the Post Office¹, place or maintain in or on any house, wall, door, window, box post, pillar or other place belonging to him or under his control any of the following words, letters or marks²:

- (1) the words 'post office'³;
- (2) the words 'letter box' with words, letters or marks which signify or imply, or may reasonably lead the public to believe, that it is a post office letter box⁴; or
- (3) words, letters or marks which signify or imply, or may reasonably lead the public to believe, that any house or place is a post office or that any box is a post office letter box⁵.

An offence is also committed by any person who, without the authority of the Post Office, places or maintains in or on any ship⁶, vehicle, aircraft or premises belonging to him or under his control⁷, or uses in any document in relation to himself or any other person or in relation to any ship, vehicle, aircraft or premises⁸, the words 'Royal Mail' or 'Royal Air Mail', or any words, letters or marks which signify or imply or may reasonably lead the public to believe that the ship, vehicle, aircraft or premises is or are used by the Post Office or with its authority for the purpose of collecting or conveying postal packets, or that he or that other person is authorised by the Post Office to collect or convey such packets⁹.

Any person committing any of these offences is liable on summary conviction to a fine¹⁰.

Every person required by a notice given by the Post Office to remove or efface or to cease to use such words, letters or marks referred to above¹¹, or to remove or effectually to close up any letter box belonging to such person or under his control which has been a post office letter box, must comply with the requirement¹².

1 As to the authority established by the Post Office see the Post Office Act 1969 s 6 (as amended); and PARA 12 ante.

2 Post Office Act 1953 s 64(1) (amended by the Post Office Act 1969 ss 76, 88, 139, Sch 4 paras 1, 2(14)).

3 Post Office Act 1953 s 64(1)(a) (amended by the British Telecommunications Act 1981 s 89, Sch 6 Pt II). For the meaning of 'post office' see PARA 65 note 1 ante.

4 Post Office Act 1953 s 64(1)(b). For the meaning of 'post office letter box' see PARA 65 note 1 ante.

5 Ibid s 64(1)(c) (amended by the British Telecommunications Act 1981 Sch 6 Pt II).

6 For the meaning of 'ship' see PARA 154 note 1 ante.

7 Post Office Act 1953 s 64(2)(a) (amended by the Post Office Act 1969 Sch 4 para 2(14)).

8 Post Office Act 1953 s 64(2)(b). As to the registration and regulation of persons who keep accommodation addresses see the Official Secrets Act 1920 s 5; Post Office Act 1969 Sch 4 para 21(2); and see *Stevenson v Fulton* [1936] 1 KB 320.

9 Post Office Act 1953 s 64(2) (amended by the Post Office Act 1969 Sch 4 para 2(14)).

10 Post Office Act 1953 s 64(3). The fine is a sum not exceeding level 1 on the standard scale: s 64(3) (amended by virtue of the Criminal Justice Act 1982 ss 37, 46). As to the standard scale see PARA 37 note 3 ante. If the offence is continued after a previous conviction, the fine is one not exceeding 25p for every day during

which the offence continues: Post Office Act 1953 s 64(3) (amended by virtue of the Decimal Currency Act 1969 s 10(1)).

11 ie under the Post Office Act 1953 s 64(1) or (2): see the text to notes 1-9 supra.

12 Ibid s 64(1) (as amended: see note 2 supra). Failure to comply with any requirement set out in the text to notes 12-13 is itself a contravention and punishable accordingly: see s 64(3) (as amended); and note 10 supra.

UPDATE

178 False notices

TEXT AND NOTES--1953 Act s 64 replaced by the Postal Services Act 2000 s 87.

TEXT AND NOTE 1--For 'Post Office' read 'universal service provider concerned': ibid s 87(1). As to the provision of a universal postal service see PARA 24.

NOTE 2--1953 Act s 64(1) now Postal Services Act 2000 s 87(1).

TEXT AND NOTE 3--Head (1) omitted: see ibid s 87(1).

TEXT AND NOTE 4--For 'post office letter box' read 'universal postal service letter box': ibid s 87(1)(a). 'Universal postal service letter box' means any box or receptacle provided by a universal service provider for the purpose of receiving postal packets, or any class of postal packets, for onwards transmission in connection with the provision of a universal postal service: s 86(4).

TEXT AND NOTE 5--For 'post office ... letter box' read 'universal postal service post office, or that any box or receptacle is a universal postal service letter box': ibid s 87(1)(b). 'Universal postal service post office' includes any house, building, room, vehicle or place used for the provision of any postal services in connection with the provision of a universal postal service or a part of such a service: s 86(4).

TEXT AND NOTE 6--For 'Post Office' read 'universal service provider concerned': ibid s 87(2)(a).

NOTE 8--1953 Act s 64(2)(b) now Postal Services Act 2000 s 87(2)(b).

TEXT AND NOTE 9--Words 'Royal Mail' or 'Royal Air Mail' omitted, for 'Post Office' (in both places) read 'universal service provider concerned', for 'collecting or conveying' read 'collecting, receiving, sorting, delivering, or conveying' and for 'to collect or convey' read 'to collect, receive, sort, deliver or convey postal packets in connection with the provision of a universal postal service': ibid s 87(3).

NOTE 10--Maximum fine now level 3 on the standard scale: ibid s 87(5) (replacing 1953 Act s 64(3)).

NOTE 12--1953 Act s 64(1) now Postal Services Act 2000 s 87(4).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/3. OFFENCES AND LEGAL PROCEEDINGS/(1) OFFENCES/179. Unauthorised affixing notices to post offices.

179. Unauthorised affixing notices to post offices.

Any person is liable on summary conviction to a fine¹ who, without due authority, affixes or attempts to affix any placard, advertisement, notice, list, document, board or thing in or on, or

paints or tars, any post office², post office letter box³ or other property belonging to or used by or on behalf of the Post Office, or who in any way disfigures any such office, box or property⁴.

1 The fine is a sum not exceeding level 1 on the standard scale: Post Office Act 1953 s 61(2) (amended by virtue of the Criminal Justice Act 1982 ss 37, 46). As to the standard scale see PARA 37 note 3 ante.

2 For the meaning of 'post office' see PARA 65 note 1 ante.

3 For the meaning of 'post office letter box' see PARA 65 note 1 ante.

4 Post Office Act 1953 s 61(1) (amended by the Post Office Act 1969 s 76, Sch 4 para 2(13); and the British Telecommunications Act 1981 s 89, Sch 6 Pt II).

UPDATE

179 Unauthorised affixing notices to post offices

TEXT AND NOTES--1953 Act s 61 replaced by the Postal Services Act 2000 s 86. As to the prohibition of painting or disfiguring a universal postal service post office or a universal postal service letter box see s 86(2).

NOTE 1--Maximum fine now level 3 on the standard scale: ibid s 86(3).

TEXT AND NOTE 2--For 'post office' read 'universal postal service post office': ibid s 86(1). For the meaning of 'universal postal service post office' see PARA 178.

TEXT AND NOTE 3--For 'post office letter box' read 'universal postal service letter box': ibid s 86(1). For the meaning of 'universal postal service letter box' see PARA 178.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/3. OFFENCES AND LEGAL PROCEEDINGS/(1) OFFENCES/180. Obstruction or molestation of officer of the Post Office.

180. Obstruction or molestation of officer of the Post Office.

Any person who wilfully obstructs or molests, or incites anyone to obstruct or molest, an officer of the Post Office¹ in the execution of his duty, or who whilst in any post office² or within any premises belonging to one or used with one, obstructs the course of business of the Post Office, is liable on summary conviction to a fine or to imprisonment, or to both³.

Any such offender may be required by any officer of the Post Office to leave a post office or any such premises; and if he refuses or fails to comply with such requirement he is liable on summary conviction to a further fine, and may be removed by any officer of the Post Office⁴. All constables must on demand remove or assist in removing such offenders⁵.

1 For the meaning of 'officer of the Post Office' see PARA 37 note 1 ante.

2 For the meaning of 'post office' see PARA 65 note 1 ante.

3 Post Office Act 1953 s 65(1). The offence is punishable on summary conviction by a fine not exceeding level 1 on the standard scale, or by imprisonment for a term not exceeding one month or both: s 65(1) (amended by virtue of the Criminal Justice Act 1982 ss 37, 46). As to the standard scale see PARA 37 note 3 ante.

4 Post Office Act 1953 s 65(2). The further fine is a sum not exceeding level 1 on the standard scale: s 65(2) (amended by virtue of the Criminal Justice Act 1982 ss 37, 46).

5 Post Office Act 1953 s 65(2).

UPDATE

180 Obstruction [...] of [business] of [universal service providers]

TEXT AND NOTES--1953 Act s 65 replaced by the Postal Services Act 2000 s 88.

TEXT AND NOTES 1-3--Now a person commits an offence if, without reasonable excuse, he obstructs a person engaged in the business of a universal service provider in the execution of his duty in connection with the provision of a universal postal service, or obstructs, while in any universal postal service post office or related premises, the course of business of a universal service provider: *ibid* s 88(1). 'Related premises' means any premises belonging to a universal postal service post office or used together with any such post office: s 88(6). As to the provision of a universal postal service see PARA 24. For the meaning of 'universal postal service post office' see PARA 178. The offence is now punishable on summary conviction by a fine not exceeding level 2 on the standard scale: s 88(2).

NOTE 4--1953 Act s 65(2) now Postal Services Act 2000 s 88(3), (4)(b). Maximum further fine now level 2 on the standard scale: s 88(4)(a).

NOTE 5--1953 Act s 65(2) now Postal Services Act 2000 s 88(5).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/3. OFFENCES AND LEGAL PROCEEDINGS/(1) OFFENCES/181. Opening or delaying of postal packets by officers of the Post Office.

181. Opening or delaying of postal packets by officers of the Post Office.

If any officer of the Post Office¹, contrary to his duty, opens or procures or suffers to be opened any postal packet² in course of transmission by post, or wilfully detains or delays or procures or suffers to be detained or delayed any such postal packet, he is guilty of an offence and is liable to imprisonment for a term not exceeding two years or to a fine, or to both³. However, the offence is not committed by the opening, detaining or delaying of a postal packet returned for want of a true direction⁴, or returned by reason that the person to whom it is directed has refused it, or has refused or neglected to pay the postage on its⁵, or that the packet cannot for any other reason be delivered, or by the opening, detaining or delaying of a postal packet under statutory authority⁶ or in obedience to a warrant issued by the Secretary of State⁷ under the Interception of Communications Act 1985⁸.

1 For the meaning of 'officer of the Post Office' see PARA 37 note 1 ante.

2 For the meaning of 'postal packet' see PARA 88 note 2 ante.

3 Post Office Act 1953 s 58(1) (amended by the Theft Act 1968 s 33(1), Sch 2 Pt I paras 1, 6).

4 See eg paras 107-108 ante.

5 As to the treatment of packets on which the full postage has not been paid see PARA 104 ante.

6 Ie under the Post Office Act 1953.

7 As to the Secretary of State see PARA 1 note 6 ante.

8 Post Office Act s 58(1) proviso (amended by the Interception of Communications Act 1985 s 11(2)). As to warrants for interception see the Interception of Communications Act 1985 s 2. In the application of the Post Office Act 1953 s 58 (as amended) to the Isle of Man, the reference to a warrant is a reference to a warrant in writing under the hand of the Lieutenant Governor issued with the sanction of a Secretary of State: s 58(2) (amended by the Northern Ireland (Modification of Enactments No 1) Order 1973, SI 1973/2163, art 14(2), Sch 6; and the Interception of Communications Act 1985 s 11(2)).

UPDATE

181 [Interfering with the mail]

TEXT AND NOTES--Replaced.

A person who is engaged in the business of a postal operator¹ commits an offence if, contrary to his duty and without reasonable excuse, he intentionally delays or opens a postal packet² in the course of its transmission by post, or intentionally opens a mail-bag³. This does not apply to (1) the delaying or opening of a postal packet or the opening of a mail-bag under the authority of the Postal Services Act 2000 or any other enactment, including, in particular, in pursuance of a warrant issued under any other enactment, or any directly applicable Community provision⁴; (2) to the delaying or opening of a postal packet in accordance with any terms and conditions applicable to its transmission by post⁵; or (3) to the delaying of a postal packet as a result of industrial action in contemplation or furtherance of a trade dispute⁶.

A person who commits the above offence is liable, on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding six months or to both, or, on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both⁷.

A person commits an offence if, without reasonable excuse, he intentionally delays or opens a postal packet in the course of its transmission by post, or intentionally opens a mail-bag⁸. A person commits an offence if, intending to act to a person's detriment and without reasonable excuse, he opens a postal packet which he knows or reasonably suspects has been incorrectly delivered to him⁹. A person who commits either offence is liable on summary conviction to a fine not exceeding level 5 on the standard scale¹⁰ or to imprisonment for a term not exceeding six months or to both¹¹.

1 For the meaning of 'postal operator' see PARA 10B NOTE 5.

2 For the meaning of 'postal packet' see PARA 24 NOTE 3.

3 Postal Services Act 2000 s 83(1). For the meaning of 'mail bag' see PARA 82 NOTE 5.

4 Ibid s 83(2).

5 Ibid s 83(3).

6 Ibid s 83(4). For the meaning of 'trade dispute' see the Trade Union and Labour Relations (Consolidation) Act 1992 s 244: EMPLOYMENT vol 41 (2009) PARA 1324.

7 Postal Services Act 2000 s 83(6).

8 Ibid s 84(1). Section 83(2)-(4) applies to such offences: s 84(2).

9 Ibid s 84(3). Section 83(2), (3) applies to such offences: s 84(4).

10 As to the standard scale see SENTENCING AND DISPOSITION OF OFFENDERS vol 92 (2010) PARA 142.

11 Postal Services Act 2000 s 84(5).

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/3. OFFENCES AND LEGAL PROCEEDINGS/(2) LEGAL PROCEEDINGS/182. Time-limit for taking proceedings.

(2) LEGAL PROCEEDINGS

182. Time-limit for taking proceedings.

Proceedings for any offence against the Post Office Act 1953, punishable on summary conviction, must be commenced within one year next after the commission of the offence¹.

1 Post Office Act 1953 s 69(1). As to the time-limit for summary proceedings generally see MAGISTRATES vol 29(2) (Reissue) PARA 589.

UPDATE

182 Time-limit for taking proceedings

TEXT AND NOTE 1--1953 Act repealed: Postal Services Act 2000 Sch 9.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/3. OFFENCES AND LEGAL PROCEEDINGS/(2) LEGAL PROCEEDINGS/183. Recovery of sums from officers of the Post Office.

183. Recovery of sums from officers of the Post Office.

Sums not exceeding £20 due from any officer of the Post Office¹ or from his sureties in respect of money received in the discharge of his duty may, without prejudice to any other mode of recovery, be recovered summarily as a civil debt².

1 For the meaning of 'officer of the Post Office' see PARA 37 note 1 ante.

2 Post Office Act 1953 s 76 (amended by the Post Office Act 1969 ss 76, 141, Sch 4 para 2(1), Sch 11 Pt II). As to the recovery of civil debts summarily see MAGISTRATES.

UPDATE

183 Recovery of sums from officers of the Post Office

TEXT AND NOTE 2--1953 Act repealed: Postal Services Act 2000 Sch 9.

Halsbury's Laws of England/POST OFFICE (VOLUME 36(2) (REISSUE))/3. OFFENCES AND LEGAL PROCEEDINGS/(2) LEGAL PROCEEDINGS/184. Evidence.

184. Evidence.

On the prosecution of any offence under the Post Office Act 1953, whether summarily or on indictment, evidence that any article is in course of transmission by post, or has been accepted on behalf of the Post Office for transmission by post, is sufficient evidence that the article is a postal packet¹.

1 Post Office Act 1953 s 72(1) (amended by the Post Office Act 1969 s 76, Sch 4 para 2(18)). For the meaning of 'postal packet' see PARA 88 note 2 ante. As to evidence generally see further CRIMINAL LAW, EVIDENCE AND PROCEDURE vol 11(3) (2006 Reissue) PARA 1359 et seq; CIVIL PROCEDURE vol 11 (2009) PARA 749 et seq.

UPDATE

184 Evidence

TEXT AND NOTE 1--1953 Act s 72(1) now Postal Services Act 2000 s 109(1) which replaces 'on behalf of the Post Office' with 'by a postal operator'. For the meaning of 'postal operator' see PARA 10B NOTE 5.